



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 7, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note No. 175673, of the 4 per cent. loan of 1865, for Rs500, originally standing in the name of Tullockchund Hurnathjee, and last endorsed to Hurrikisson Buldeo, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

HURRIKISSON BULDEO,  
Opposite Bhuleshwar Market, No. 3,  
in the Vajeshanker Gawrishanker's Firm,  
Bombay.

#### Destroyed by Fire.

The Government Promissory Note, No. 247858, of the 4 per cent. loan of 1865, for Rs500, originally standing in the name of Hurro Soondary, the proprietress, by whom it was never endorsed to any other person, having been destroyed by fire, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietress.

HURRO SOONDARY,  
Hurrinavi, 24-Pergunnahs.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 14, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

*Abstract Statements of Receipts and Disbursements of the Uncovenanted Service Family Pension Fund for the First Quarter ending 31st July 1887, compared with the corresponding quarter of the year 1886.*

PARTICULARS.	For the 1st quarter ending 31st July 1887.	For the 1st quarter ending 31st July 1886.	Increase.	Decrease.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Balance at credit of the Fund on the Government books at the end of the previous quarter	1,02,45,505 14 8	98,04,323 13 3	4,41,182 1 5	.....
AND RECEIPTS—				
Subscriptions from May to July in the Widows' Fund...	1,24,942 6 9	1,23,770 14 6	1,171 8 3	.....
Ditto ditto, Children's Fund	84,452 11 9	83,416 15 9	1,035 12 0	.....
Entrance fees, &c.	624 8 0	405 5 5	219 2 7	.....
Amount of interest on arrear subscriptions	.....	7 6 6	.....	7 6 6
Amount of fines imposed under rule 40A	388 7 0	486 9 5	.....	98 2 5
Total Receipts	2,10,408 1 6	(a) 2,08,087 3 7	2,426 6 10	105 8 11
Grand Total	1,04,55,914 0 2	1,00,12,411 0 10	4,43,608 8 3	105 8 11
DISBURSEMENTS—				
Pensions to incumbents in the Widows' Fund	94,891 11 8	89,372 7 5	5,519 4 3	.....
Ditto ditto, Children's Fund	66,133 10 8	62,350 10 8	3,783 0 0	.....
Establishment, including house-rent and contingencies	10,044 13 11	10,099 8 9	.....	54 10 10
Loss in exchange on remittances to England	17,926 2 7	17,606 7 8	229 10 11	.....
Amount of divisible surplus passed to qualified subscribers of over 5 years' standing in the Widows' Fund	2,16,033 12 0	1,42,223 4 0	73,810 8 0	.....
Ditto ditto, Children's Fund	1,25,121 12 0	96,817 8 0	28,304 4 0	.....
Total Disbursement	5,30,151 14 10	4,18,559 14 6	(b) 1,11,646 11 2	54 10 10
Balance in favour of the Fund	90,25,762 1 4	95,93,851 2 4	(c) 3,31,961 13 1	59 14 1
Proportion of divisible surplus passed to subscribers of over 5 years standing	85,288 14 0	59,760 3 0	25,528 11 0	.....

	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of subscribers	1,529	1,023	1,537	1,022	.....	1	8	.....
Ditto of incumbents	452	683	429	645	23	43	.....	.....
Ditto of subscribers sharing abatements	1,165	787	1,152	776	13	11	.....	.....

(a) Net increase in Total Receipts ... .. Rs. A. P.  
(b) Ditto in Total Disbursements ... .. 2,320 13 11  
(c) Ditto in Balance in favour of the Fund ... .. 1,11,592 0 4  
..... 3,31,910 15 0

G. W. MACLEOD,  
Accountant.

R. A. FINK,  
JAMES BELL, } Auditors.

Published by order of the Directors,  
W. H. RYLAND, Secretary,  
Uncovenanted Service Family Pension Fund.  
(1369—1)

UNCOVENANTED SERVICE FAMILY PENSION  
FUND OFFICE, the 29th March 1888.

**PROMISSORY NOTES.****Destroyed by Fire.**

The Government Promissory Note, No. 247858, of the 4 per cent. loan of 1865, for ₹500, originally standing in the name of Hurro Soondary, the proprietress, by whom it was never endorsed to any other person, having been destroyed by fire, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietress.

HURRO SOONDARY,  
*Hurrinavi, 24-Pergunnahs.*

**Stolen.**

On the 6th April, 1888, the Government Promissory Notes, No. 117404 of 1842-43 and Nos. 225212 and 225213 of 1865, all 4 per cent., for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Mrs. E. S. Adams, the proprietress, by whom it was never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietress, after two years from date of last advertisement.

E. S. ADAMS,  
*No. 4, Clyde Road,  
Hastings.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 21, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### NOTICE.

IN THE COURT OF SMALL CAUSES  
AT DELHI.

WITH POWERS UNDER CHAPTER XX OF  
ACT 14 OF 1882.

*Case No. 5 of 1888.*

Whereas the Delhi and London Bank, Limited, of Delhi petitioned this Court that Sheikh Mohamed Ibrahim, Merchant of Delhi, be adjudicated an insolvent and whereas the said Bank has satisfied this Court that the statements made in its application are substantially true, the Court has declared Sheikh Mohamed Ibrahim, son of Wulli Mohamed of Delhi, an insolvent, under the provisions of Section 351, Civil Procedure Code, and this notice is published as required by Section 351, Civil Procedure Code.

Given under my hand and the seal of the Court this 26th day of March, 1888.

MANOHURLAL,  
*Judge, Small Cause Court, Delhi.*

### PROMISSORY NOTES.

#### Lost.

A Provincial Debenture of the Hathras-Muthra Railway Loan, No. 000086, for ₹1,500, belonging to Debi Das Joti Parshad, has been lost.

JOTI PARSHAD,  
*Rayees, Hathras,  
Zila Aligarh.*

#### Lost.

The Government Promissory Note No. 000055, of the 4 per cent. loan of 1828-29, for

₹200, originally standing in the name of Panchanun Bysack, and last endorsed to Okhoyloll Kur and Amritaloll Kur, the proprietors, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note, and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietors. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

CHARU CHANDRA MITRA,  
*No. 21, Sustytollah Lane,  
Narikeldanga, Calcutta.*

#### Lost.

The lower half of the Government Promissory Note No. 203852 of the 4 per cent. loan of 1865, for ₹500, originally standing in the name of Muttu Laul Bural, and last endorsed to the Delhi and London Bank, Limited, the proprietors, by whom it was never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietors. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

T. LONGMUIR,  
*Manager, Delhi and London Bank, Limited,  
Calcutta.*

*The 18th April, 1888.*

**Stolen.**

On the 6th April, 1888, the Government Promissory Notes, No. 117404 of 1842-43 and Nos. 225212 and 225213 of 1865, all 4 per cent., for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Mrs. E. S. Adams, the proprietress, by whom it was never endorsed to any other person. Payment of the above notes and the interest thereupon

have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietress, after two years from date of last advertisement.

E. S. ADAMS,

*No. 4, Clyde Road,*

*Hastings.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 28, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

A Provincial Debenture of the Hathras-Muthra Railway Loan, No. 000086, for ₹1,500, belonging to Debi Das Joti Parshad, has been lost.

JOTI PARSHAD,  
*Rayees, Hathras,  
Zila Aligarh.*

#### Lost.

The Government Promissory Note No. 000055, of the 4 per cent. loan of 1828-29, for ₹200, originally standing in the name of Punchanun Bysack, and last endorsed to Okhoyloll Kur and Amritaloll Kur, the proprietors, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note, and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietors. The

public are cautioned against purchasing or otherwise dealing with the abovementioned security.

CHARU CHANDRA MITRA,  
*No. 21, Sustytollah Lane,  
Narikeldanga, Calcutta.*

#### Lost.

The lower half of the Government Promissory Note No. 203852 of the 4 per cent. loan of 1865, for ₹500, originally standing in the name of Muttu Lall Burral, and last endorsed to the Delhi and London Bank, Limited, the proprietors, by whom it was never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietors. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

T. LONGMUIR,  
*Manager, Delhi and London Bank, Limited,  
Calcutta.*

*The 18th April, 1888.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 5, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### NOTICE.

We hereby give notice that we shall, from and after the 1st day of May, 1888, cease to carry on business at Kurrachee, and that the business now carried on by us at that place will, as from the said 1st May, 1888, be transferred to Messrs. Daniel McIver and William Glendower Mackenzie, who will thenceforth carry on the same for their behoof under the style and firm of McIver, Mackenzie & Co.

Dated this 30th day of April, 1888.

MACKINNON, MACKENZIE & CO.,  
*Calcutta, Bombay and Kurrachee.*

### NOTICE.

We hereby give notice that we have arranged to acquire the business now carried on at Kurrachee by Messrs. Mackinnon, Mackenzie & Co., as from the 1st May, 1888, from which date the said business will be carried on by us under the style and firm of McIver, Mackenzie & Co.

D. MCIVER.  
W. G. MACKENZIE.

KURRACHEE,  
*The 30th April, 1888.*

### PROMISSORY NOTES.

#### Lost.

A Provincial Debenture of the Hathras-Muthra Railway Loan, No. 000086, for ₹1,500, belonging to Debi Das Joti Parshad, has been lost.

JOTI PARSHAD,  
*Rayees, Hathras,  
Zila Aligarh.*

#### Lost.

The Government Promissory Note No. 000055, of the 4 per cent. loan of 1828-29, for ₹200, originally standing in the name of Panchanun Bysack, and last endorsed to Okhoyloll Kur and Amritaloll Kur, the proprietors, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note, and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietors. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

CHARU CHANDRA MITRA,  
*No. 21, Sustytollah Lane,  
Narikeldanga, Calcutta.*

#### Lost.

The lower half of the Government Promissory Note No. 203852 of the 4 per cent. loan of 1865, for ₹500, originally standing in the name of Mutty Lall Burrall, and last endorsed to the Delhi and London Bank, Limited, the proprietors, by whom it was never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietors. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

T. LONGMUIR,  
*Manager, Delhi and London Bank, Limited,  
Calcutta.*

*The 18th April, 1888.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 12, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 027256, of the  $4\frac{1}{2}$  per cent. loan of 1879, for Rs. 1,000, originally standing in the name of D. F. Lobo, the proprietor, by whom it was never endorsed to any other person, having been lost, notice is hereby given, that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

D. F. LOBO,  
*No. 48, New Hunooman Gullee,  
Calbaaevie, Bombay.*

#### Destroyed.

Three Government Promissory Notes, Nos. 256779, 256780, and 256781, of the 4 per cent. loan of 1865, for Rs. 100 each, standing in the name of Surendranath Mookerjee, having been destroyed, notice is hereby given that payment of the above notes, and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and the Treasury of Burdwan, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SURENDRA NATH MOOKERJEE,  
*Jaugram.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 19, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 027256, of the  $4\frac{1}{2}$  per cent. loan of 1879, for ₹1,000, originally standing in the name of D. F. Lobo, the proprietor, by whom it was never endorsed to any other person, having been lost, notice is hereby given, that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

D. F. LOBO,

No. 48, New Hunooman Gullee,  
Calbadevie, Bombay.

#### Lost.

The Government Promissory Note, No. 032913, of the 4 per cent. loan of 1854-55, for ₹500, originally standing in the name of the Bank of Bombay, and Notes Nos. 114607, 114608, and 109944, of the 4 per cent. loan of 1865, for ₹500 each, and Note No. 153624 of the 4 per cent. loan of 1865, for ₹500, originally standing in the names of the Bank of

Bengal and Grace Thompson, Executrix of Frederick Thompson, respectively, and last endorsed to Nana Shivaji, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

NANA SHIVAJI,

Rastaspur, House No. 180, Poona.

#### Destroyed.

Three Government Promissory Notes, Nos. 256779, 256780, and 256781, of the 4 per cent. loan of 1865, for ₹100 each, standing in the name of Surendranath Mookerjee, having been destroyed, notice is hereby given that payment of the above notes, and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and the Treasury of Burdwan, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SURENDRA NATH MOOKERJEE,

Jangram



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 26, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 027256, of the 4½ per cent. loan of 1879, for ₹1,000, originally standing in the name of D. F. Lobo, the proprietor, by whom it was never endorsed to any other person, having been lost, notice is hereby given, that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

D. F. LOBO,  
No. 48, New Hunooman Gallee,  
Calbadavie, Bombay.

#### Lost.

The Government Promissory Note, No. 032913, of the 4 per cent. loan of 1854-55, for ₹500, originally standing in the name of the Bank of Bombay, and Notes Nos. 114607, 114608, and 109944, of the 4 per cent. loan of 1865, for ₹500 each, and Note No. 153624 of the 4 per cent. loan of 1865, for ₹500, originally standing in the names of the Bank of Bengal and Grace Thompson, Executrix of Frederick Thompson, respectively, and last endorsed to Nana Shivaji, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

NANA SHIVAJI,  
Rastaspeth House No. 180, Poona.

#### Lost.

The Government Promissory Notes Nos. 111853 and 081095, of the 4 per cent. loan of 1865, for ₹500 each, originally standing in the names of Obhoy Churn Goho and the Chartered Bank of India, Australia and China, respectively, and last endorsed to Sheetul Nath Mookerjee, the proprietor, by whom they were never endorsed to any other person, having been lost, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicates in favour of the legal heiress, widow of the proprietor, deceased. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SHOSHEE MOOKHEE DEBYA,  
Widow of Sheetul Nath Mookerjee.

BENARES CHOWHATTA,  
MUDUNPOORA, HOUSE OF  
RAJCOOMAR BANERJEE,  
The 9th May, 1888.

#### Lost, Stolen or Destroyed.

The Government Promissory Note of 4 per cent., No. 087061, of the 1st February, 1843, for ₹500 only, originally standing in the name of Omesh Chunder Dutt, and last endorsed to me on the 1st February, 1886, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of a duplicate in favour of the proprietor, after two years from date of last advertisement.

MATHURA MOHAN GHOSH,  
No. 28, Mirzapur Street, Calcutta.

**Destroyed.**

Three Government Promissory Notes, Nos. 256779, 256780, and 256781, of the 4 per cent. loan of 1865, for ₹100 each, standing in the name of Surendranath Mookerjee, having been destroyed, notice is hereby given that payment of the above notes, and the interest thereupon have been stopped at the Public Debt Office,

Bank of Bengal, Calcutta, and the Treasury of Burdwan, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SURENDRA NATH MOOKERJEE,  
*Jangram.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 2, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

*Abstract Statement of the Uncovenanted Service Family Pension Fund for the Second Quarter ending 31st October 1887, compared with the corresponding quarter of the year 1886.*

PARTICULARS.	For the 2nd quarter ending 31st October 1887.			For the 2nd quarter ending 31st October 1886.			Increase.			Decrease.			
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Balance at credit of the Fund on the Government books at the end of the previous quarter ... ..	99,25,762	1	4	95,93,851	2	4	3,31,910	15	0	.....			
ADD RECEIPTS—													
Subscriptions from August to October in the Widows' Fund ...	1,25,039	1	2	1,23,769	14	9	1,269	2	5	.....			
Ditto ditto Children's Fund ...	84,552	4	8	84,160	0	9	392	3	11	.....			
Entrance fees, &c., from August to October ... ..	311	3	9	440	14	0	.....			129	10	3	
Amount transferred to divisible surplus ... ..	744	15	0	80	4	0	664	11	0	.....			
Total Receipts ...	2,10,447	8	7	2,08,451	1	6	(a) 2,126	1	4	129	10	3	
GRAND TOTAL ...	1,01,36,209	9	11	98,02,302	3	10	3,34,037	0	4	129	10	3	
DEDUCT PAYMENTS—													
Pensions to incumbents in the Widows' Fund ... ..	95,573	4	2	90,764	9	5	4,808	10	9	.....			
Ditto ditto Children's Fund ...	66,534	7	11	62,706	2	7	3,828	5	4	.....			
Establishment, including office rent and contingencies ...	7,547	12	11	7,056	7	9	491	5	2	.....			
Loss in exchange on remittances to England ... ..	17,416	7	1	20,480	7	1	.....			3,064	0	0	
Amount of fine written back ... ..	128	9	4	21	1	0	106	15	4	.....			
Total Payments ...	1,87,200	9	5	1,81,029	4	10	(b) 9,235	4	7	3,064	0	0	
Balance in favour of the Fund, exclusive of interest upon capital	99,49,009	0	6	96,21,272	15	0	(c) 3,24,8	1	11	9	2,934	5	9
Proportion of divisible surplus payable to subscribers ... ..	85,288	14	0	59,730	3	0	25,528	11	0	.....			
	Widows' Fund.			Children's Fund.			Widows' Fund.			Children's Fund.			
Number of subscribers ... ..	1,533	1,022	1,536	1,023	3	1	.....	.....	.....	.....	.....	.....	
Ditto of incumbents ... ..	451	672	435	658	13	11	.....	.....	.....	16	.....	14	
Ditto of subscribers sharing divisible surplus ... ..	1,165	787	1,152	776	.....	.....	.....	.....	.....	.....	.....	.....	

	Rs. A. P.		
(a) Net increase in receipts ... ..	...	...	1,996 7 1
(b) Ditto in payments ... ..	...	...	6,171 4 7
(c) Ditto in balance ... ..	...	...	3,27,733 1 6

R. A. FINK,  
Offg. Accountant.

R. A. FINK,  
JAMES BELL, } Auditors.

Published by order of the Directors,

W. H. RYLAND, Secretary,  
Uncovenanted Service Family Pension Fund.

FUND OFFICE, the 16th May 1888.

## PROMISSORY NOTES.

**Lost.**

The Government Promissory Note, No. 032913, of the 4 per cent. loan of 1854-55, for ₹500, originally standing in the name of the Bank of Bombay, and Notes Nos. 114607, 114608, and 109944, of the 4 per cent. loan of 1865, for ₹500 each, and Note No. 153624 of the 4 per cent. loan of 1865, for ₹500, originally standing in the names of the Bank of Bengal and Grace Thompson, Executrix of Frederick Thompson, respectively, and last endorsed to Nana Shivaji, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

NANA SHIVAJI,  
*Rastaspur, House No. 180, Poona.*

**Lost.**

The Government Promissory Note, No. 144177, of the 4 per cent. loan of 1865, for ₹700, originally standing in the name of the Reverend J. Moulson, and last endorsed to the Assistant Comptroller General, Paper Currency, the ex-officio holder, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the ex-officio holder. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

H. KEENE,  
*Assistant Comptroller General.*

**Lost.**

The Government Promissory Notes Nos. 111853 and 081095, of the 4 per cent. loan of 1865, for ₹500 each, originally standing in the names of Obhoy Churn Goho and the Chartered Bank of India, Australia and China, respectively, and last endorsed to Sheetul Nath Mookerjee, the proprietor, by whom they were never endorsed to any other person, having been lost, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicates in favour of the legal heiress, widow of the proprietor, deceased. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SHOSHEE MOOKHEE DEBYA,  
*Widow of Sheetul Nath Mookerjee.*

BENARES CHOWHATTA,  
MUDUNPOORA, HOUSE OF  
RAJCOOMAR BANERJEE,  
*The 9th May, 1888.*

**Lost, Stolen or Destroyed.**

The Government Promissory Note of 4 per cent., No. 087061, of the 1st February, 1843, for ₹500 only, originally standing in the name of Omesh Chunder Dutt, and last endorsed to me on the 1st February, 1886, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of a duplicate in favour of the proprietor, after two years from date of last advertisement.

MATHURA MOHAN GHOSH,  
*No. 28, Mirzapur Street, Calcutta.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 9, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 144177, of the 4 per cent. loan of 1865, for ₹700, originally standing in the name of the Reverend J. Moulson, and last endorsed to the Assistant Comptroller General, Paper Currency, the ex-officio holder, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the ex-officio holder. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

H. KEENE,  
*Assistant Comptroller General.*

#### Lost.

The Government Promissory Note, No. 173407, of the 4 per cent. loan of 1842-43, for ₹500, originally standing in the name of Soonderjee Poonjah, and last endorsed to Madum Soobanah, the proprietor, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

MADUM SOOBANAH,  
*Kurnool.*

KURNOOL,  
*The 1st June, 1888.*

#### Lost.

The Government Promissory Notes Nos. 111853 and 081095, of the 4 per cent. loan of 1865, for ₹500 each, originally standing in the names of Obhoy Churn Goho and the Chartered Bank of India, Australia and China, respectively, and last endorsed to Sheetul Nath Mookerjee, the proprietor, by whom they were never endorsed to any other person, having been lost, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicates in favour of the legal heiress, widow of the proprietor, deceased. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

SHOSHEE MOOKHEE DEBYA,  
*Widow of Sheetul Nath Mookerjee.*

BENARES CHOWHATTA,  
MUDUNPOORA, HOUSE OF  
RAJCOOMAR BANERJEE,  
*The 9th May, 1888.*

#### Lost, Stolen or Destroyed.

The Government Promissory Note of 4 per cent., No. 087061, of the 1st February, 1843, for ₹500 only, originally standing in the name of Omesh Chunder Dutt, and last endorsed to me on the 1st February, 1886, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of a duplicate in favour of the proprietor, after two years from date of last advertisement.

MATHURA MOHAN GHOSH,  
*No. 28, Mirzapur Street, Calcutta.*

**Lost or Destroyed.**

The Government Promissory Notes, Nos. 236782 and 236783, of the 4 per cent. loan of 1865, for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to General Dumber Shum Shere Jung Bahadur Rana, the proprietor, by whom they were never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt

Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

HARI TARAN BHATTACHARYYA,

*154, Bow Bazar Street,*

*Calcutta.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 16, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 144177, of the 4 per cent. loan of 1865, for ₹700, originally standing in the name of the Reverend J. Moulson, and last endorsed to the Assistant Comptroller General, Paper Currency, the ex-officio holder, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the ex-officio holder. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

H. KEENE,  
*Assistant Comptroller General.*

#### Lost.

The Government Promissory Note, No. 173407, of the 4 per cent. loan of 1842-43, for ₹500, originally standing in the name of Soonderjee Poonjah, and last endorsed to Madum Soobanah, the proprietor, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note and the interest thereupon

have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

MADUM SOOBANAH,  
*Kurnool.*

KURNOOL,  
*The 1st June, 1888.*

#### Lost or Destroyed.

The Government Promissory Notes, Nos. 236782 and 236783, of the 4 per cent. loan of 1865, for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to General Dumber Shum Shere Jung Bahadur Rana, the proprietor, by whom they were never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

HARI TARAN BHATTACHARYYA,  
*154, Bow Bazar Street,  
Calcutta.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 23, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note, No. 173407, of the 4 per cent. loan of 1842-43, for ₹500, originally standing in the name of Soonderjee Poonjah, and last endorsed to Madum Soobanah, the proprietor, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

MADUM SOOBANAH,

*Kurnool.*

KURNOOL,  
The 1st June, 1888.

#### Lost or Destroyed.

The Government Promissory Notes, Nos. 236782 and 236783, of the 4 per cent. loan of 1865, for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to General Dumber Shum Shere Jung Bahadur Rana, the proprietor, by whom they were never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicates in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

HARI TARAN BHATTACHARYYA,

154, Bow Bazar Street,  
Calcutta.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 28, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th January, 1888, and is hereby promulgated for general information :—

#### ACT NO. I OF 1888.

*An Act to amend the Indian Stamp Act, 1879.*

WHEREAS it is expedient to amend certain provisions of the Indian Stamp Act, 1879, relating to policies of insurance; It is hereby enacted as follows :—

1. For clause (15) of section 3 of that Act the

Amendment of definition of "policy of insurance." following shall be substituted, namely :—

"(15) 'Policy of insurance' means any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;

"It includes a life-policy, and includes also any writing evidencing the renewal of, for the purpose of keeping in force, a policy of fire-insurance in respect of which, and of the previous renewal whereof (if any), there has not already been paid the stamp-duty which would have been chargeable if the policy had originally been granted for a longer term than six months."

2. For article 49 of the first schedule to that Act the following shall be substituted, namely :—

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.	
	If drawn singly.	If drawn in duplicate, for each part.
	Rs. A. P.	Rs. A. P.
(a) In the case of sea-insurance— When the amount Rs. insured does not exceed . . . 1,000 And for every further sum of Rs. 1,000 or part thereof in excess of . . . 1,000	0 4 0  0 4 0	0 2 0  0 2 0
(b) In the case of fire-insurance— i. In respect of an original policy for a month or any shorter term— When the amount Rs. insured does not exceed . . . 1,000 And for every further sum of Rs. 1,000 or part thereof in excess of . . . 1,000 ii. In respect of an original policy for more than one month but not more than three months— When the amount Rs. insured does not exceed . . . 1,000	   Rs. A. P. 0 2 0  0 2 0  0 3 0	   0 2 0  0 2 0  0 2 0

#### 49. POLICY OF INSURANCE

See Exemption, Schedule II [No. 14 (a)].

DESCRIPTION OF INSTRUMENT.		PROPER STAMP-DUTY.	
		Rs. A. P.	
And for every further sum of Rs. 1,000 or part thereof in excess of . 1,000		0 3 0	
iii. In respect of an original policy for more than three months but not more than six months—			
Rs.			
When the amount insured does not exceed . 1,000		0 4 0	
And for every further sum of Rs. 1,000 or part thereof in excess of . 1,000		0 4 0	
iv. In respect of an original policy for a longer term than six months—			
Rs.			
When the amount insured does not exceed . 1,000		0 6 0	
And for every further sum of Rs. 1,000 or part thereof in excess of . 1,000		0 6 0	
v. In respect of renewing, for the purpose of keeping in force, a policy which has been granted for six months or any shorter term and in respect of which, and of the previous renewal whereof (if any), there has not already been paid the duty which would have been chargeable if the policy had originally been granted for a longer term than six months . . .		<p>The same duty as would be payable in respect of an original policy for the amount and term to which the renewal extends; or</p> <p>the excess of the duty which would have been chargeable if the policy had originally been granted for a longer term than six months, over the duty already paid in respect of the policy, and of the previous renewal thereof (if any);</p> <p>whichever is the smaller sum.</p>	
		If drawn singly.	If drawn in duplicate, for each part.
(c) In the case of any other insurance—		Rs. A. P.	Rs. A. P.
Rs.			
When the amount insured does not exceed . 1,000		0 6 0	0 3 0
And for every further sum of Rs. 1,000 or part thereof in excess of . 1,000		0 6 0	0 3 0

49. POLICY OF INSURANCE—continued.

S. HARVEY JAMES,

Secy. to the Government of India.

The following Report of the Select Committee on the Bill to amend the Indian Stamp Act, 1879, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th January, 1888:—

### LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the

Indian Stamp Act, 1879, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. We have made it clear that the only renewals on which stamp-duty is to be paid are renewals of fire-policies in respect of which, and of any previous renewal whereof, there has not already been paid full stamp-duty at the highest rate chargeable in respect of original policies of fire-insurance.

3. We have ascertained that it is sufficient to provide for fire-policies being drawn singly. We have proposed to amend article 49 of the schedule accordingly.

4. We have corrected a clerical error in the fourth sub-clause of clause (b) of the same article, and simplified the expression of the fifth sub-clause.

5. The Bill does not appear to us to stand in need of any other alteration.

6. We may observe that there is nothing in the Bill which will interfere with the practice, where it now obtains, of evidencing renewals of fire-policies from year to year by receipts only for premium paid. If full stamp-duty at the highest rate chargeable in respect of an original policy has once been paid, then the receipt evidencing the renewal will, if it acknowledges the payment of more than twenty rupees, be chargeable with stamp-duty of one anna only under Act I, 1879, Schedule I, article 52.

7. The publication ordered by the Council has been made as follows:—

#### *In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India . . . . .	28th May, 1887.
Fort Saint George Gazette . . . . .	21st June, 1887.
Bombay Government Gazette . . . . .	2nd June, 1887.
Calcutta Gazette . . . . .	8th June, 1887.
North-Western Provinces and Oudh Government Gazette . . . . .	4th June, 1887.
Punjab Government Gazette . . . . .	2nd June, 1887.
Central Provinces Gazette . . . . .	11th June, 1887.
Burma Gazette . . . . .	18th June, 1887.
Assam Gazette . . . . .	18th June, 1887.
Coorg District Gazette . . . . .	1st July, 1887.

<i>In the Vernaculars.</i>		
<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay . . . . .	Maráthi . . . . .	7th July, 1887.
	Gujaráthi . . . . .	7th July, 1887.
	Kanarese . . . . .	14th July, 1887.
	Bengali . . . . .	26th July, 1887.
Bengal . . . . .	Hindi . . . . .	9th August, 1887.
	Uriya . . . . .	23rd June, 1887.
North-Western Provinces and Oudh . . . . .	Urdu . . . . .	4th June, 1887.
Punjab . . . . .	Urdu . . . . .	14th July, 1887.
Central Provinces . . . . .	Maráthi . . . . .	13th, 20th and 27th July, 1887.

8. We do not think the Bill has been so altered as to require re-publication, and we recommend that it be passed as amended by us.

J. WESTLAND.  
ANDREW R. SCOBLE.  
C. U. AITCHISON.  
ROBERT STEEL.  
DINSHA MANEKJI PETIT.

*The 18th January, 1888.*

S. HARVEY JAMES,  
*Secy. to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 11, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th February, 1888, and is hereby promulgated for general information:—

#### ACT NO. II OF 1888.

*An Act to provide for the levy of a Customs-duty on Petroleum.*

WHEREAS it is expedient to provide for the levy of a customs-duty on petroleum; It is hereby enacted as follows:—

I. To the second schedule to the Indian Tariff Act, 1882, the following shall be added, namely:—

Addition to Schedule II, Act XI, 1882.

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
*	*	*	*	*
5	Petroleum, including also the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance or from any products of petroleum	Imperial gallonj.	...	Six ples.
	<i>Exception.</i> —Petroleum which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs-collector to be intended to be used exclusively for the batching of jute or other fibre or for lubricating purposes.			

VIII of 1878. And whereas the provisos to section 37 of the Sea Customs Act, 1878, do not apply to goods to which a rate of duty is not already applicable; It is further enacted as follows:—

2. The rate of duty applicable to petroleum  
 Commencement of effect of the addition to the schedule. of which the bill-of-entry is delivered, within the meaning of section 37 of the Sea Customs Act, 1878, to the Customs-collector under section 86 of that Act after the passing of this Act, shall be the rate of duty specified in the second schedule to the Indian  
 XI of 1882. Tariff Act, 1882, as amended by this Act.

S. HARVEY JAMES,

*Secretary to the Government of India.*

The following Report of the Select Committee on the Bill to provide for the levy of a Customs-duty on Petroleum was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th February, 1888.

### LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to provide for the levy of a Customs-duty on Petroleum was referred, have considered the Bill and have the honour to submit this our Report with the Bill as amended by us annexed thereto.

2. We have proposed the imposition of a duty of six pies per imperial gallon instead of an *ad valorem* duty of five per cent., and the exception from liability to the duty of petroleum which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs-collector to be intended to be used exclusively for the batching of jute or other fibre, or for lubricating purposes.

3. We do not consider that the Bill need be re-published, and we recommend that it be passed as amended by us.

J. WESTLAND.

ANDREW R. SCOBLE.

W. S. WHITESIDE.

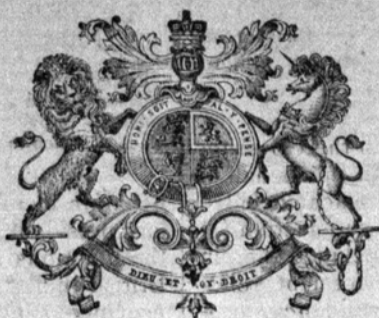
ROBERT STEEL.

F. M. HALLIDAY.

*The 10th February, 1888.*

S. HARVEY JAMES,

*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 18, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th February, 1888, and is hereby promulgated for general information :—

#### ACT NO. III OF 1888.

*An Act to amend the Law relating to the Regulation of Police.*

WHEREAS it is expedient to relax those provisions of Acts for the regulation of police which restrict the employment of police-officers to the presidency, province or place of the police-establishment of which they are members; It is hereby enacted as follows :—

Title, extent and commencement. **1.** (1) This Act may be called the Police Act, 1888.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

**2.** (1) Notwithstanding anything in Act XXIV of 1859 (*an Act for the Constitution of police-forces for special purposes, better regulation of the Police within the territories subject to the Presidency of Fort St. George*), Act V of 1861 (*an Act for the Regulation of Police*), the Bombay District Police Act, 1867, or any Act relating to the police in any presidency-town, the Governor General in Council may, by notification in the Gazette of India, create a general police district embracing parts of two or more presidencies, provinces or places, and direct the enrolment under Act V of 1861 of a police-force for service therein.

(2) With respect to such a district and the police-force enrolled therefor, the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure, 1882, and any other enactment for the time being in force relating to police shall, subject to any orders which the Governor General in Council may make in this behalf, be discharged by the Governor General in Council, or by such Local Government or other authority as the Governor General in Council may appoint, and the functions of the Inspector General of Police, Deputy Inspectors General, Assistant Inspectors General, District Superintendents of Police and Assistant District Superintendents under Act V of 1861 and any other enactment for the time being in force shall, subject as aforesaid be discharged by such officer or officers as may be appointed by the authority ordinarily discharging under this sub-section the functions of the Local Government with respect to the district and force.

(3) Subject to any orders which the Governor General in Council may make in this behalf, members of a police-force enrolled for service in a general police district created under sub-section (1) shall have within every part of any presidency, province or place of which any part is included in the district the powers, duties, privileges and liabilities which, as police-officers appointed under Act V of 1861, they have within the district.

(4) Any member of such a force whom the authority ordinarily discharging with respect thereto the functions of the Local Government under sub-section (2) has generally or specially empowered to act under this sub-section may, subject to any orders which the Governor General in Council may make in this behalf, exercise in any part of the local area in which he has the powers of a police-officer under sub-section (3) any of the powers which an officer in charge of a police-station has in

that part, and, when so exercising any such power, shall, subject as aforesaid, be deemed to be an officer in charge of a police-station discharging the functions of such an officer within the limits of his station.

(5) Subject to any orders which the Governor General in Council may make in this behalf, a part of a presidency, province or place included in a general police district under sub-section (1) shall not by reason of being included therein cease for the purposes of any enactment relating to police to be part of the presidency, province or place of which it forms part.

(6) For the purposes of this section, and subject to the provisions thereof, Act V of 1861 shall, notwithstanding anything in section 46

of that Act, be deemed to take effect throughout the whole of British India.

3. Notwithstanding anything in any of the Acts mentioned or referred to in the last foregoing section, but subject to any orders which the Governor General in Council may make in this behalf, a member of the police-establishment of any presidency, province or place may discharge the functions of a police-officer in any part of British India beyond the limits of the presidency, province or place, and shall, while so discharging such functions, be deemed to be a member of the police-establishment of that part and be vested with the powers, functions and privileges, and be subject to the liabilities, of a police-officer belonging to that establishment.

S. HARVEY JAMES,

*Secretary to the Government of India.*

The following Report of the Select Committee on the Bill to amend the law relating to the Regulation of Police was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th February, 1888 :—

#### LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From Secretary to Chief Commissioner, Coorg, No. 2149—2477, dated 22nd November, 1887, and enclosures [Papers No. 1].

From Secretary to Chief Commissioner, Assam, No. 2760, dated 26th November, 1887 [Paper No. 2].

From Chief Commissioner, Ajmere-Merwara, No. 1434, dated 28th November, 1887 [Paper No. 3].

From Chief Secretary to Government, Madras, No. 2764, dated 7th December, 1887, and enclosures [Papers No. 4].

From Secretary for Berar to Resident, Hyderabad, No. 524 G., dated 27th December, 1887, and enclosures [Papers No. 5].

From Officiating Under Secretary to Chief Commissioner, Central Provinces, No. 28—3, dated 3rd January, 1888 [Paper No. 6].

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 14—VIII-562-II, dated 6th January, 1888, and enclosures [Papers No. 7].

From Officiating Chief Secretary to Chief Commissioner, Burma, No. 79 I.N., dated 6th January, 1888 [Paper No. 8].

From Chief Secretary to Government, Bengal, No. 49 J., dated 9th January, 1888, and enclosures [Papers No. 9].

From Officiating Secretary to Government, Punjab, No. 30, dated 11th January, 1888, and enclosures [Papers No. 10].

From Registrar, High Court, Calcutta, No. 94, dated 13th January, 1888 [Paper No. 11].

From Acting Under Secretary to Government, Bombay, No. 213, dated 12th January, 1888, and enclosures [Papers No. 12].

Bill that a part of a presidency-town may be included in a general police district created under that sub-section.

3. By sub-section (2) of the same section we have proposed to enable the authority controlling the police-force enrolled for service in such a district to discharge certain functions which the Code of Criminal Procedure assigns to the Local Government.

4. By sub-sections (3) and (4) of the same section we have provided for the exercise by officers of a special police-force of the powers of police-officers in places beyond the limits of the general police district for service in which they have been enrolled.

5. The publication ordered by the Council has been made as follows :—

#### *In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India . . . . .	8th October, 1887.
Fort St. George Gazette . . . . .	18th October, 1887.
Bombay Government Gazette . . . . .	10th November, 1887.
Calcutta Gazette . . . . .	19th October, 1887.
North-Western Provinces and Oudh Government Gazette . . . . .	15th October, 1887.
Punjab Government Gazette . . . . .	14th October, 1887.
Central Provinces Gazette . . . . .	27th October, 1887.
Burma Gazette . . . . .	29th October, 1887.
Assam Gazette . . . . .	2nd December, 1887.
Coorg District Gazette . . . . .	1st November, 1887.

<i>In the Vernaculars.</i>		
<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay . . . .	Maráthi . . . .	1st December, 1887.
	Gujaráthi . . . .	24th November, 1887.
	Kanarese . . . .	24th November, 1887.
Bengal . . . .	Bengali . . . .	15th November, 1887.
	Hindi . . . .	22nd and 29th November, and 6th December, 1887.
Central Provinces . .	Uriya . . . .	17th November, 1887.
Burma . . . .	Maráthi . . . .	7th December, 1887.
	Burmese . . . .	19th November, 1887.

6. We do not think the Bill has been so altered as to require re-publication, and we recommend that it be passed as amended by us.

C. U. AITCHISON.  
ANDREW R. SCOBLE.  
C. A. ELLIOTT.  
J. WESTLAND.  
J. W. QUINTON.

*The 9th February, 1888.*

S. HARVEY JAMES,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 3, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1888, and is hereby promulgated for general information:—

#### ACT NO. IV OF 1888.

*An Act to regulate Her Majesty's Indian Reserve Forces.*

WHEREAS it is expedient to provide for the government, discipline and regulation of Her Majesty's Indian Reserve Forces; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Reserve Forces Act, 1888; and

(2) It shall come into force on such day as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

2. The Indian Reserve Forces shall consist of the Active Reserve and the Garrison Reserve.

3. (1) A person belonging to the Active Reserve shall be liable to serve beyond the limits of British India as well as within those limits.

(2) A person belonging to the Garrison Reserve shall not be liable without his consent to serve beyond the limits of British India.

4. The Governor General in Council may make rules and orders for the government, discipline and regulation of the Indian Reserve Forces.

5. Subject to the provision of section 3 with respect to persons belonging to the Garrison Reserve, and to such rules and orders as may be made under section 4, a person belonging to the Indian Reserve Forces shall, as an officer or soldier, as the case may be, be subject to military law in the same manner and to the same extent as a person belonging to Her Majesty's Indian Forces.

6. (1) If a person belonging to the Indian Reserve Forces—

(a) when required by or in pursuance of any rule or order under this Act to attend at any place fails without reasonable excuse to attend in accordance with such requirement, or

(b) fails without reasonable excuse to comply with any such rule or order, or

(c) fraudulently obtains any pay or other sum contrary to any such rule or order, he shall be liable—

(i) on conviction by a Court-martial, to such punishment other than death, transportation or imprisonment for a term exceeding one year as such Court is by the Indian Articles of War empowered to award, or

(ii) on conviction by a Magistrate of the first class, to imprisonment for a term which may extend, in the case of a first offence under this section, to six months, and, in the case of any subsequent offence thereunder, to one year.

Act V of 1869

(2) Where a person belonging to the Indian Reserve Forces is required by or in pursuance of any rule or order under this Act to attend at any place, a certificate purporting to be signed by an officer appointed by such a rule or order in this behalf, and stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

(3) Any person charged with an offence under this section may be taken into and kept in either military or civil custody, or partly into

and in one description of custody and partly into and in the other, or be transferred from one description of custody to the other.

7. Nothing in this Act or in any rule or order thereunder shall make any person transferred to the Indian Reserve Forces before the commencement of this Act subject, without his consent, to any of the provisions of this Act.

S. HARVEY JAMES,

*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 17, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th March, 1888, and is hereby promulgated for general information :—

ACT NO. V OF 1888.

#### THE INVENTIONS AND DESIGNS ACT, 1888.

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THE SIXTH SCHEDULE.—FEES (*Designs*).*An Act to consolidate and amend the law relating to the Protection of Inventions and Designs.*

WHEREAS it is expedient to consolidate and amend the law relating to the protection of inventions and designs; It is hereby enacted as follows:—

1. (1) This Act may be called the Inventions and Designs Act, 1888.

(2) It shall extend to the whole of British India; and

(3) It shall come into force on the first day of July, 1888. •

2. (1) The enactments described in the first schedule are hereby repealed to the extent specified in the third column thereof.

(2) But this repeal of enactments shall not affect any exclusive privilege acquired, or any conditions or restrictions imposed with respect to any such privilege, or any right or liability accrued or incurred, under any of those enactments before the commencement of this Act, or any relief in respect of any such privilege, right or liability.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

3. The remainder of this Act is divided into Parts, as follows:—

## PART I.—INVENTIONS.

## PART II.—DESIGNS.

PART I.  
INVENTIONS.

4. In this Part, unless there is something repugnant in the subject or context,—

## Definitions.

(1) "invention" includes an improvement:

(2) "inventor" does not include the importer into British India of a new invention unless he is the actual inventor:

(3) "applicant" means a person who has applied under this Part for leave to file a specification of an invention, whether he has filed the specification or not:

(4) "assign" includes a grantee of the exclusive privilege of making, selling or using an invention, or of authorising others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term:

(5) "inventor", "actual inventor" and "applicant" include the executors, administrators or assigns of an inventor, actual inventor and applicant, as the case may be:

(6) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture:

(7) "write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance:

(8) "Secretary" means a Secretary to the Government of India appointed by the Governor General in Council to discharge the functions of the Secretary under this Act, and includes any under-secretary, assistant-secretary or other officer subordinate to the Government of India to the extent to which such officer may be authorised by general or special order of the Governor General in Council to discharge any of those functions:

(9) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure: and

(10) "High Court" has the meaning assigned to that expression by the Code of Criminal Procedure, 1882, in reference to proceedings against European British subjects.

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 5-9)*

5. (1) The inventor of a new manufacture, whether he is a British subject or not, may apply to the Governor General in Council for leave to file a specification thereof.

*Application for leave to file specification.*

(2) The application must be in writing signed by the applicant and in the form or to the effect of the second schedule if the inventor has not obtained a patent in the United Kingdom, and in the form or to the effect of the third schedule if he has obtained a patent in the United Kingdom.

(3) It must state the name, occupation and address of the applicant, and, where a patent has been obtained in the United Kingdom, the date of the patent and the date of the actual sealing thereof, and must describe with reasonable precision and detail the nature of the invention, and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Governor General in Council may see fit to require from the applicant.

(4) If in any case it appears to the Governor General in Council that an application ought to be further supplemented by a model of anything alleged to constitute an invention, he may require the applicant to furnish such a model neatly and substantially made of durable material and of dimensions not exceeding those, if any, specified in the requisition therefor.

6. (1) Upon an application under the last foregoing section the Governor General in Council may, after such inquiry as he thinks fit, make an order authorising the applicant to file a specification of the invention.

(2) Before making an order under sub-section (1), the Governor General in Council may direct that the application be referred for inquiry and report to any person whom he thinks fit.

(3) When such enquiry and report are made by a person who is not in the service of the Government, there shall be payable to that person by the applicant such fee as the Governor General in Council, after considering the report, may determine.

(4) When an application is to be referred to such a person, the applicant shall deposit, in such place and within such time as the Governor General in Council may by rule or otherwise prescribe, such sum as will, in the opinion of the Secretary, be sufficient to defray any fee which is likely to be determined under sub-section (3).

(5) If the sum is not deposited in the place and within the time prescribed, the application may be rejected.

(6) If the fee as determined by the Governor General in Council exceeds the sum so deposited, an order shall not be made under sub-section (1) until the applicant has paid the balance of the fee.

(7) If the sum deposited exceeds the fee so determined, the excess shall be refunded to the applicant.

7. (1) If two or more inventors apply on the same day for leave to file specifications of inventions which appear to the Governor General in Council

*Applications in respect of contemporaneous inventions.*

to be identical or so similar as to be practically identical, the Governor General in Council may, in his discretion, authorise both or all the applicants, subject to the other provisions of this Part, to file specifications of their respective inventions.

(2) If they apply on different days for leave to file specifications of such inventions as aforesaid, the applicant who applied on the first of the different days shall be deemed to have a preferential claim to an order authorising the filing of his specification.

8. (1) If within six months from the date of an order under section 6, sub-section (1), or within such further time, not exceeding three months, as the Governor General in Council, in his discretion, may, on cause shown to his satisfaction and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the applicant causes a specification of his invention to be filed in manner by this Part required, and the fee prescribed in the fourth schedule in respect of the filing of the specification to be paid, the applicant shall, subject to the other provisions of this Part, be entitled to the exclusive privilege of making, selling and using the invention in British India, and of authorising others so to do, for a term of fourteen years from the date of the filing of the specification.

(2) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (1), cease if the inventor fails to pay, within the time limited in that behalf by the fourth schedule, any fee prescribed in that schedule in respect of the continuance of the privilege.

(3) If, nevertheless, in any case, by accident, mistake or inadvertence, an inventor fails to pay any such fee within the time so limited, he may apply to the Governor General in Council for an enlargement of the time for making the payment.

(4) Thereupon the Governor General in Council may enlarge the time accordingly, on payment of the fee prescribed in that behalf in the fourth schedule and subject to the following conditions, namely:—

(a) the time for making a payment shall not in any case be enlarged for more than three months; and

(b) if any suit is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof and before the enlargement of that time, the Court disposing of the suit may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

9. (1) A specification filed under this Part must be in writing signed by the applicant, and must set forth the precise invention in respect of which the applicant claims to become entitled to an exclusive privilege.

(2) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 10-15.)*

(3) Every specification must explain the principle of the invention set forth therein and the best mode in which the applicant has contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

10. Every application for leave to file a specification, and every specification filed under this Part, must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

11. (1) At the time of delivering or sending the specification for the purpose of its being filed, the applicant shall cause to be delivered or sent therewith to the Secretary as many copies thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(2) One of these copies shall be retained by the Secretary, and one shall be sent to the Governor of Fort St. George in Council, one to the Governor of Bombay in Council, one to the Chief Commissioner of Burma, and the others, if any, to such authorities as the Governor General in Council may appoint in this behalf.

(3) The copies of the specification which are sent under sub-section (2) to the authorities mentioned or referred to in that sub-section shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

12. (1) A book, to be called the register of inventions, shall be kept in the office of the Secretary wherein shall be entered and recorded every application for leave to file a specification, every order made on any such application, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein.

(2) Applications for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt, and shall be entered in the register of inventions in the order of their respective numbers.

(3) A reference shall be made in that register, in the margin of the entry of each application, to every order on or in respect of the application, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the application.

13. (1) Another book, to be called the address-book, shall be kept in the office of the Secretary wherein any person filing a specification under this Part, or any person in whom an exclusive privilege acquired under this Part, or any share or interest therein, may become vested, may from time to time cause to be stated some place in British India where notice of any rule or proceeding relating to the exclusive privilege may be served on him.

(2) A reference to each entry in the address-book shall be made in the register of inventions in the margin of the entry in that register of the application for leave to file the specification.

14. (1) Every entry in the register of inventions or address-book, and every document entered and recorded in the register, shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document and shall be open to the inspection of any person at all reasonable times at the office of the Secretary.

(2) The books kept under section 11 and section 35 of Act No. XV of 1859 (*an Act for granting exclusive Privileges to Inventors*) shall be deemed to be parts of the register of inventions and address-book respectively.

15. (1) The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege acquired under section 8, apply to the Governor General in Council for an extension of the privilege for a further term.

(2) When an application is made under sub-section (1), the Governor General in Council may, if he thinks fit, refer it to a High Court for report.

(3) The Court to which the application is referred shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made by the inventor as such, and to all the circumstances of the case.

(4) The procedure on the reference shall be such as the Court thinks fit, and may include the issue of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day on which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representation which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(5) If the Governor General in Council is of opinion, or, where a reference has been made under sub-section (2), if the Court reports, that the inventor has been inadequately remunerated

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 16-21.)*

by his exclusive privilege, the Governor General in Council may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(6) But an exclusive privilege of which the term has been extended under the last foregoing sub-section shall, notwithstanding anything in that sub-section, cease if the inventor fails to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

16. An order under section 6, sub-section (1), authorizing the filing of a specification, or under section 15, sub-section (5), extending the term of an exclusive privilege, may be made subject to such conditions as the Governor General in Council thinks expedient.

17. (1) Subject to any conditions imposed under the last foregoing section—

- (a) with respect to the filing, by a person employed in the service of Her Majesty in India, of the specification of a manufacture invented by him in the course of his employment, or
- (b) with respect to the extension, in favour of any person, of the term of an exclusive privilege,

an exclusive privilege acquired under this Part shall have to all intents the like effect as against Her Majesty as it has against a subject.

(2) But the officers or authorities administering any department of the service of Her Majesty may, by themselves, their agents, contractors or others, at any time after the delivery or receipt of the application for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Governor General in Council, between those officers or authorities and the inventor, or, in default of such agreement, on such terms as may be settled by the Governor General in Council.

18. (1) If, after the filing of the specification, the applicant has reason to believe that through mis-  
Application for leave to file memorandum or amended specification. take or inadvertence he has erroneously made any mis-statement in his application or specification or included therein something which at the date of the delivery or receipt of his application was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, he may apply to the Governor General in Council for leave to file a memorandum point-

ing out the mis-statement or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(2) The application must be in writing signed by the applicant, and must state how the error, defect or insufficiency occurred and that it was not fraudulently intended.

(3) Upon the application the Governor General in Council may make an order allowing the memorandum or amended specification to be filed.

(4) The provisions of section 6 with respect to applications, and of sections 9 and 11 with respect to specifications and copies thereof, shall apply, so far as they can be made applicable, to applications and to amended specifications, respectively, made and filed under this section.

19. An amended specification filed under the last foregoing section shall, except as to any suit or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed:

Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

20. A person shall not be entitled to an exclusive privilege under this Part—

- (a) if the invention is of no utility, or
- (b) if the invention, at the date of the delivery or receipt of the application for leave to file the specification thereof, was not a new invention within the meaning of this Part, or
- (c) if the applicant is not the inventor thereof, or
- (d) if the original or any amended specification does not fulfil the requirements of this Part, or
- (e) if the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or
- (f) if the application for leave to file the specification of the invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of British India and the United Kingdom.

21. An invention shall be deemed a new invention within the meaning of this Part if it has not before the date of the delivery or receipt of the application for leave to file the

Novelty of invention dependent on public use or knowledge thereof before application to file specification.

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 22—29.)*

specification thereof been publicly used in any part of British India or of the United Kingdom, or been made publicly known in any part of British India or of the United Kingdom by means of a written publication.

22. The public use or knowledge of an invention before the date of the delivery or receipt of the application for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Part if the knowledge has been obtained surreptitiously or in fraud of the inventor or has been communicated to the public in fraud of the inventor or in breach of confidence:

Provided that the inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for leave to file a specification.

23. Use of an invention in public by the inventor thereof, or by his servant or agent, or by any other person by his license in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his application for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Part.

24. If an inventor who has obtained a patent for his invention in the United Kingdom causes an application for leave to file a specification of the invention under this Part to be delivered or received by the

Secretary within twelve months from the date of the actual sealing of the patent, the invention shall be deemed a new invention within the meaning of this Part if it was not publicly used or known in any part of British India at or before the date of the application for the patent, notwithstanding that it may have been publicly used or known in some part of British India or of the United Kingdom before the date of the delivery or receipt of the application under this Part for leave to file the specification.

25. If an inventor applies for leave to file a specification under this Part while his application for a patent is pending in the United Kingdom, and the interval between the date of his application for the patent and the date of the delivery or receipt of his application under this Part does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within

the meaning of this Part, by reason only of the invention having been used, or a description thereof having been published, in any part of British India or of the United Kingdom during the interval.

26. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for leave to file a specification of the invention to be delivered to or received by the Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having at any time after admission into the exhibition been publicly used or made publicly known.

27. (1) An exclusive privilege acquired under this Part shall cease if the Governor General in Council declares the privilege, or the mode in which it is exercised, to be mischievous to the State, or generally prejudicial to the public.

(2) It shall also cease if a breach of any condition on which the applicant was authorised to file a specification, or on which the term of the exclusive privilege was extended, is on an application under this Part to a High Court proved to the satisfaction of that Court, and if the Governor General in Council thereupon declares the privilege to have ceased.

28. (1) An exclusive privilege acquired under this Part in respect of an invention for which a patent has been obtained in the United Kingdom shall cease on the revocation or expiration of the patent.

(2) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

29. (1) An inventor may institute a suit in the District Court against any person who, during the continuance of an exclusive privilege acquired by him under this Part in respect of an invention, makes, sells or uses the invention without his license, or counterfeits or imitates it.

(2) The suit shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 30-34.)*

wilful or fraudulent mis-statement, or upon the ground that the invention is of no utility:

(3) Nor shall it be defended upon the ground that the plaintiff was not the inventor, unless the defendant shows that he himself is the actual inventor or has obtained from the actual inventor a right to make, sell or use the invention, or to counterfeit or imitate it, as the case may be:

(4) Nor shall it be defended upon the ground that the invention was not new, unless the defendant, or some person through whom he claims, has, before the date of the delivery or receipt of the application for leave to file the specification, publicly or actually used in some part of British India or of the United Kingdom the invention or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

30. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention not to have been acquired, if the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say:—

- (a) that the invention is of no utility, or
- (b) that the invention was not, at the date of the delivery or receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or
- (c) that the applicant was not the inventor thereof, or
- (d) that the original or any amended specification does not fulfil the requirements of this Part, or
- (e) that the applicant has knowingly or fraudulently included in the application for leave to file the specification or in the original or any amended specification, as part of his invention, something which was not new or whereof he was not the inventor, or
- (f) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or
- (g) that some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

31. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention not to have been acquired, if the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say:—

vilage in respect of any part of an invention, to be specified in the rule has not been acquired under this Part, by reason of all or any of the objections following (to be specified in the rule) that is to say:—

- (a) that that part of the invention is wholly distinct from the other parts thereof and is of no utility, or
- (b) that that part of the invention was not, at the date of the delivery or receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or
- (c) that the applicant was not the inventor of that part of the invention, or
- (d) that that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

32. The High Court may, irrespective of any provisions of the Code of Civil Procedure in this behalf, require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person appearing to show cause against the rule. XIV of 1882.

33. (1) Any person authorised by the Governor General in Council in this behalf may apply to a High Court for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 27 may, in the judgment of the Governor General in Council, depend, should not be tried in the form of an issue directed by the Court.

(2) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried and certify the result of the trial to the Governor General in Council.

34. (1) Notice of any rule obtained or proceeding taken under section 30, section 31 or section 33 shall be served on all persons appearing from the address-book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address-book, by delivering the copy to any person resident at or in charge of the place or, if there

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 35-38.)*

is no person resident at or in charge of the place, or if the place is not within the local limits of the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

35. (1) The High Court may, if it thinks fit, direct an issue for the trial, before itself or any other High Court, or any District Court, of any question of fact arising upon an application under section 30, section 31 or section 33, and the issue shall be tried accordingly.

(2) If the issue is directed to another Court, the finding shall be certified by that Court to the Court directing the issue.

(3) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the High Court, and the High Court may thereupon act upon the finding of the District Court, or dispose of the application upon the evidence recorded, or direct a new trial, as the justice of the case may require.

36. (1) If it appears to the High Court at the hearing of an application under section 30 or section 31 that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the applicant shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(2) If it appears to the High Court, at the hearing of any such application as last aforesaid, that the applicant has, in the description of his invention in the application for leave to file a specification thereof or in the original or any amended specification, erroneously included something which at the date of the delivery or receipt of the application for leave to file the specification was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect or insufficiency: or

(3) If it appears to the High Court that the error, defect or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective or insufficient; and thereupon the applicant shall, within

a time to be limited by the Court for the purpose, file in the office of the Secretary a specification amended according to the order.

(4) The provisions of section 18 with respect to the distribution and disposal of copies of amended specifications, and of section 19 with respect to the effect of such specifications, shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(5) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the application for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

37. (1) In a suit for the infringement of an exclusive privilege acquired under this Part the plaintiff shall deliver with his particulars of the breaches complained of in the suit, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(2) In like manner, upon an application to a High Court under section 30, section 31 or section 33, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(3) At the hearing of any such suit or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(4) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the application for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(5) Notwithstanding anything in the foregoing portion of this section, the Court in which the suit or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

38. If, in a suit instituted in the District Court at any time within fourteen years from the date of the filing of a specification of an invention under this Part, the actual inventor proves to the satisfaction of the Court that the applicant was not the actual inventor,

Title of actual inventor to exclusive privilege in case of fraud.

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 39-43.)*

and that at the time of the application for leave to file the specification the applicant knew or had reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived the knowledge, the Court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Part, in the actual inventor for a term of fourteen years from the date on which the specification was filed, and requiring the applicant to account for and pay over to the actual inventor the profits derived by him from the invention or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section and to all the other circumstances of the case, may see fit to require the applicant to pay.

39. A Court making a decree in a suit under section 29 or section 38, or an order on an application under section 30, section 31 or section 33, shall send a copy of the decree or order, as the case may be, to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

Registration of cessation of exclusive privilege. 40. In the following cases, namely:—

- (a) when an exclusive privilege acquired under this Part has ceased under section 8 or section 15 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof, and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired;
- (b) when an exclusive privilege acquired under this Part has been declared by the Governor General in Council under section 27 to have ceased;
- (c) when an exclusive privilege acquired under this Part has ceased under section 28 by reason of the revocation or expiration of a patent or exclusive privilege;
- (d) when the whole or any part of an exclusive privilege acquired under this Part has ceased under section 36 in consequence of an order under that section;
- (e) when an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 38;

- (f) when an exclusive privilege acquired under this Part has ceased by reason of the expiration of the term for which it was acquired;

the Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the application for leave to file the specification of the invention.

41. (1) If any person is aggrieved by an entry in the register of inventions or address-book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Part whereby the register or book may be rectified, he may apply to a High Court for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(2) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

(3) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

42. A High Court to which an application has been made under section 30, section 31, section 33 or section 41 may stay proceedings on, or dismiss the application if in its opinion the application would be disposed of more justly or conveniently by another High Court.

43. If on the petition of any person interested it is proved to the Governor General in Council that, by reason of an inventor who has acquired an exclusive privilege under this Part failing to grant licenses on reasonable terms,—

- (a) the exclusive privilege is not being worked in British India, or
- (b) the reasonable requirements of the public with respect to the invention cannot be supplied, or
- (c) any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Governor General in Council may order the inventor to grant, or may himself on behalf of the inventor grant, licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor General in Council, having regard to the nature of the invention and the circumstances of the case, may deem just.

*The Inventions and Designs Act, 1888.**(Part I.—Inventions.—Sections 44-49.—(Part II.—Designs.—Sections 50-52.)*

44. Any person for the time being entitled to an exclusive privilege under this Part, or to any share or interest in such a privilege, in any local area may, subject to the conditions of his title thereto, assign the privilege or such share or interest, as the case may be, for any place in or part of that local area.

45. If an applicant is absent from British India, an application for leave to file a specification, or a specification, or an application for leave to file a memorandum or amended specification, may, instead of being signed by the applicant under section 5, section 9 or section 18, as the case may be, be signed on behalf of the applicant by an agent in British India authorised by him in writing in that behalf.

46. (1) An application under this Part for leave to file a specification, memorandum or amended specification must be verified by the person making the application.

(2) If that person is absent from British India, the application may be verified by the agent who signs the application on his behalf.

(3) The verification must be signed by the person making it, and must be to the effect that the facts stated in the application are true to his knowledge, except as to matters stated on information and belief, and that as to those matters he believes them to be true.

47. Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorised by this Part to be done by any person may be done on his behalf by an agent in British India having authority in writing from that person so to do the act.

48. (1) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(2) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council directs.

(4) A proceeding in respect of which a fee is payable under the fourth schedule shall be of no effect unless the fee has been paid.

49. (1) The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend either of the forms in the second and third schedules.

(2) Rules under this section may provide, among other matters, for the printing of specifications, memoranda and amended specifications, and for the distribution or sale of printed copies thereof.

## PART II.

## DESIGNS.

50. In this Part, unless there is something repugnant in the subject or context,—

Definitions.

(1) "design" means some peculiar shape, configuration or form given to an article, or arrangement of lines or the like used on or with an article, but not the article itself:

(2) "copyright" means the exclusive right to apply a design to an article:

(3) the author of any new and original design shall be considered the "proprietor" thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case that person shall be considered the "proprietor", and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to an article, either exclusively of any other person or otherwise, and also every person on whom the property in the design or the right to the application thereof shall devolve, shall be considered the "proprietor" of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise: and

(4) "Secretary", "District Court" and "High Court" have the same meanings as in Part I.

51. (1) Any person, whether a British subject or not, claiming to be the proprietor of any new and original design not previously published in British India may apply to the Governor General in Council for an order for the registration of the design.

(2) The application must be in writing in the form or to the effect of the fifth schedule, and must contain a statement of the nature of the design and be accompanied by as many copies of drawings, photographs or tracings thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(3) It must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof in the office of the Secretary shall be endorsed thereon and recorded in that office.

52. (1) Upon the application the Governor General in Council may, after such inquiry as he thinks fit, make an order authorizing the registration of the design.

*The Inventions and Designs Act, 1888.**(Part II.—Designs.—Sections 53-61.)*

(2) When an order has been made under sub-section (1), the Secretary shall cause the design to be registered in a book to be kept by him for the purpose and to be called the register of designs.

(3) The date of registration shall be recorded in the register.

53. When a design is registered, the proprietor thereof shall, subject to the other provisions of this Part, have copyright in the design during five years from the date of registration.

54. (1) Before delivery on sale of any article to which a registered design has been applied, the proprietor of the design shall cause the article to be marked with the word "registered" either in full or in an abbreviated form.

(2) If he fails to cause the article to be so marked, the copyright in the design shall cease unless the proprietor shows that he took all proper steps to ensure the marking of the article.

55. If the proprietor of a design exhibited at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for an order for the registration of the design to be delivered to or received by the Secretary within six months from the date of the admission of the design into that exhibition, the design shall not be deemed not to be a new and original design not previously published in British India within the meaning of section 51 by reason only of the design having been exhibited at the exhibition.

56. Any person in whom the copyright in a design has become vested may apply to the Secretary for the entry of his name in the register of designs as proprietor of the copyright, and the Secretary may, if he sees fit, cause the entry to be made.

57. (1) The registered proprietor of a design may institute a suit in the District Court for the recovery of any damages arising from the application by any person to any article of the design or of any fraudulent or obvious imitation thereof for the purpose of sale, or from the publication, sale or exposure for sale by any person of any article to which the design, or any fraudulent or obvious imitation thereof, has been applied, that person knowing or having reason to believe that the proprietor had not given his consent to such application.

(2) When the Court makes a decree in a suit under this section, it shall send a copy of the decree to the Secretary, who shall cause an

entry thereof to be made in the register of designs.

58. (1) When, from the expiration of the term of a copyright or from any other cause, the copyright in a design has ceased, the Secretary shall cause an entry with respect to the cessation of the right to be made in the register of designs.

59. (1) A High Court may, on the application of any person aggrieved by an entry in the register of designs, or by the omission of an entry therefrom, make such order for the rectification of the register as it thinks fit.

(2) An order under sub-section (1) may declare copyright in a design not to have been acquired.

(3) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof to be made in the register of designs.

(4) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

60. A High Court to which an application has been made under the last foregoing section may stay proceedings on, or dismiss, the application if, in its opinion, the application would be disposed of more justly or conveniently by another High Court.

61. The provisions of the following portions of Part I, namely:—

- (a) section 11, with respect to copies of specifications,
- (b) section 14, with respect to the register of inventions and the matters entered therein, and
- (c) section 47, with respect to the performance by an agent of any act required or authorised by that Part to be done by a principal,

shall, so far as they can be made applicable, apply, respectively, to—

- (a) copies of drawings, photographs or tracings accompanying an application for an order for the registration of a design in respect of which such an order has been made,
- (b) the register of designs and the matters entered and documents referred to therein, and
- (c) the performance by an agent of any act required or authorised by this Part to be done by a principal.

*The Inventions and Designs Act, 1888.*

(Part II.—Designs.—Sections 62-63. *The First Schedule.—Enactments repealed.*  
(*The Second Schedule.—Application where Patent has not been obtained.* *The Third Schedule.—Application where Patent has been obtained.*)

62. (1) There shall be paid in respect of the several proceedings specified in the sixth schedule the fees in that schedule prescribed.

(2) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council may direct.

(4) A proceeding in respect of which a fee is payable under the sixth schedule shall be of no effect unless the fee has been paid.

63. The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend the form in the fifth schedule.

## THE FIRST SCHEDULE.

## ENACTMENTS REPEALED.

(See section 2.)

Number and year.	Subject or title.	Extent of repeal.
XV of 1859	For granting exclusive Privileges to Inventors.	So much as has been repealed.
XIII of 1872	Patterns and Designs Protection Act, 1872.	So much as has been repealed.
XVI of 1883	Protection of Inventions Act, 1883.	The whole.
I of 1879	Indian Stamp Act, 1879.	Article 48, Schedule I.

## THE SECOND SCHEDULE.

## APPLICATION WHERE PATENT HAS NOT BEEN OBTAINED.

(See sections 5 and 49.)

## TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant is in possession of an invention for (*state the title of the invention*); he is the inventor thereof (*or, as the case may be, the executor, administrator or assign of the inventor*); and, to the best of his information and belief, the invention is new within the meaning of Part I of the Inventions and Designs Act, 1888, and no circumstance exists which, if the applicant is authorised to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

2. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

3. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Inventions and Designs Act, 1888.

(Signature and verification.)

## THE THIRD SCHEDULE.

## APPLICATION WHERE PATENT HAS BEEN OBTAINED.

(See sections 5 and 49.)

## TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant (*or, as the case may be, A. B. of whom the applicant is the executor, administrator or assign*) has obtained a patent in the United Kingdom dated and sealed as of the day of , and actually sealed on the day of , for (*state the title of the invention*).

2. To the best of the information and belief of the applicant, the invention is new within the meaning of Part I of the Inventions and Designs Act, 1888, and no circumstance exists which, if the applicant is authorised to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

3. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

4. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Inventions and Designs Act, 1888.

(Signature and verification.)

*The Inventions and Designs Act, 1888.*

(The Fourth Schedule.—Fees (Inventions). (The Fifth Schedule.—Application for Order for Registration of Design.) The Sixth Schedule.—Fees (Designs).)

## THE FOURTH SCHEDULE.

## FEES (Inventions).

(See sections 8, 15 and 48.)

	Rs. a. p.
(1) in respect of an application for leave to file a specification (section 5) . . . . .	10 0 0
(2) in respect of the filing of a specification (section 8) . . . . .	30 0 0
(3) in respect of an extension of the time for filing a specification (section 8) . . . . .	20 0 0
(4) in respect of the continuance of an exclusive privilege (section 8)—	
(a) after the filing of the specification and before the expiration of the fourth year from the date of the filing thereof . . . . .	50 0 0
(b) after the expiration of the fourth year and before the expiration of the fifth year from that date . . . . .	50 0 0
(c) after the expiration of the fifth year and before the expiration of the sixth year from that date . . . . .	50 0 0
(d) after the expiration of the sixth year and before the expiration of the seventh year from that date . . . . .	50 0 0
(e) after the expiration of the seventh year and before the expiration of the eighth year from that date . . . . .	50 0 0
(f) after the expiration of the eighth year and before the expiration of the ninth year from that date . . . . .	100 0 0
(g) after the expiration of the ninth year and before the expiration of the tenth year from that date . . . . .	100 0 0
(h) after the expiration of the tenth year and before the expiration of the eleventh year from that date . . . . .	100 0 0
(i) after the expiration of the eleventh year and before the expiration of the twelfth year from that date . . . . .	100 0 0
(j) after the expiration of the twelfth year and before the expiration of the thirteenth year from that date . . . . .	100 0 0
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.	
(5) in respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 8)—	
(i) if the enlargement does not exceed one month . . . . .	10 0 0
(ii) if the enlargement exceeds one month, but does not exceed two months . . . . .	25 0 0
(iii) if the enlargement exceeds two months . . . . .	50 0 0
(6) in respect of an application for an extension of an exclusive privilege for a further term (section 15) . . . . .	50 0 0
(7) in respect of an order extending the term of an exclusive privilege (section 15) . . . . .	100 0 0
(8) in respect of the continuance of an exclusive privilege of which the term has been extended (section 15) . . . . .	100 0 0
to be paid before the expiration of each year of the extended term:	
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.	
(9) in respect of an application for leave to file a memorandum or amended specification (section 18) . . . . .	20 0 0
(10) in respect of a petition to the Governor General in Council for a compulsory license (section 43) . . . . .	50 0 0

## THE FOURTH SCHEDULE—continued.

	Rs. a. p.
(11) for the inspection of any book or other document which is open to inspection under Part I . . . . .	1 0 0
(12) for copies—	
(a) when the number of words copied does not exceed four hundred . . . . .	1 0 0
(b) for every hundred words in excess of four hundred . . . . .	0 4 0
(c) of drawings or photographs . . . . .	cost according to agreement.
(13) for certifying copies—	
for every hundred words . . . . .	0 2 0

## THE FIFTH SCHEDULE.

## APPLICATION FOR ORDER FOR REGISTRATION OF DESIGN.

(See sections 51 and 63.)

The application of (*here insert name, occupation and address*) for an order for the registration of a design under Part II of the Inventions and Designs Act, 1888.

1. The applicant claims to be the proprietor of the design of which the nature is hereinafter stated.

2. To the best of his information and belief, that design is within the meaning of Part II of the Inventions and Designs Act, 1888, a new and original design not previously published in British India.

3. copies of (*drawings*), (*photographs*), (*tracings*) of the design accompany this application.

4. The following is a statement of the nature of the design (*here describe its nature*).

5. The applicant therefore applies for an order for the registration of the design pursuant to Part II of the Inventions and Designs Act, 1888.

(Signature.)

## THE SIXTH SCHEDULE.

## FEES (Designs).

(See section 62.)

	Rs. a. p.
(1) in respect of an application for an order for the registration of a design (section 51) . . . . .	10 0 0
(2) in respect of a mutation of names in the register of designs (section 56) . . . . .	5 0 0
(3) for the inspection of any book or other document which is open to inspection under Part II . . . . .	1 0 0
(4) for copies—	
(a) when the number of words copied does not exceed four hundred . . . . .	1 0 0
(b) for every hundred words in excess of four hundred . . . . .	0 4 0
(c) of drawings, photographs or tracings . . . . .	cost according to agreement.
(5) for certifying copies—	
for every hundred words . . . . .	0 2 0

S. HARVEY JAMES,

Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 24, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd March, 1888, and is hereby promulgated for general information :—

#### ACT NO. VI OF 1888.

*An Act to amend the law relating to Imprisonment for Debt.*

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows :—

Title, commencement and extent.

I. (1) This Act may be called the Debtors Act, 1888; and

(2) It shall come into force at once.

(3) The several portions thereof have the same local extent as the enactments to which they respectively relate.

82. 2. After section 245 of the Code of Civil Procedure the following sections shall be inserted, namely :—

Addition of sections after section 245 of the Code of Civil Procedure.

"245A. Notwithstanding anything in the last foregoing section or in any other section of this Code, the Court shall not order the arrest or imprisonment of a woman in execution of a decree for money.

Prohibition of arrest or imprisonment of women in execution of decrees for money.

"245B. (1) Notwithstanding anything in section 245 or in any other section of this Code, when an application is for the execution of a decree for money by the arrest and imprisonment of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to jail in execution of the decree.

"(2) If appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor."

3. In section 250 of the said Code, between the word "shall" and the word "issue", the following shall be inserted, namely :—

"subject to the provisions of sections 245A and 245B,."

Addition of new section after section 337 of the Code.

4. After section 337 of the said Code the following shall be inserted, namely :—

"337A. (1) When a judgment-debtor appears before the Court in obedience to a notice issued under section 245B, or is brought before the Court after being arrested in execution of a decree for money,

the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such

terms, if any, as it thinks fit, make an order disallowing the application for his arrest and imprisonment, or directing his release, as the case may be.

"(2) Before making an order under sub-section (1), the Court may take into consideration any allegation of the decreeholder touching any of the following matters, namely:—

- (a) the decree being for a sum for which the judgment-debtor was bound as a trustee or as acting in any other fiduciary capacity to account;
- (b) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was made, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decreeholder in the execution of the decree;
- (c) any undue or unreasonable preference given by the judgment-debtor to any of his other creditors;
- (d) his refusal or neglect to pay the amount of the decree or some part thereof when he has or since the date of the decree has had the means of paying it;
- (e) the likelihood of his absconding or leaving the jurisdiction of the Court with the object or effect mentioned in clause (b) of this sub-section.

"(3) While any of the matters mentioned in sub-section (2) are being considered, the Court may in its discretion order the judgment-debtor to be imprisoned, or leave him in the custody of an officer of the Court, or release him on his furnishing sufficient security for his appearance on the requisition of the Court.

"(4) A judgment-debtor released under this section may be re-arrested.

"(5) If the Court does not make such an order as is mentioned in sub-section (1), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to jail."

**5.** To section 380 of the said Code the following shall be added, namely:—

Addition to section 380 of the Code.

"On the application of any defendant in a suit for money in which the plaintiff is a woman the Court may at any stage of the suit make a like order if it is satisfied that such plaintiff does not possess any sufficient immoveable property within British India independent of the property in suit."

**6.** In section 640 of the said Code, after the words "from arrest in execution of civil process" the words "in any case in which the arrest of women is not prohibited by this Code" shall be added.

**7.** In section 642 of the said Code, for the words and figures "except as provided in sections 256 and 643" the following shall be substituted, namely:—

Amendment of section 642 of the Code.

"except as provided in section 337A, sub-section (5), and sections 256 and 643."

Addition of new section after section 652 of the Code.

**8.** After section 652 of the said Code the following shall be added, namely:—

"653. (1) At any time after a warrant of arrest has been issued under this Code, the Court may cancel it on the ground of the serious illness of the person against whom the warrant was issued.

"(2) When a judgment-debtor has been arrested under this Code the Court may release him if in its opinion he is not in a fit state of health to undergo imprisonment.

"(3) When a judgment-debtor has been committed to jail, he may be released therefrom—

(a) by the Local Government, on the ground of his suffering from any infectious or contagious disease, or

(b) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

"(4) A judgment-debtor released under this section may be re-arrested, but the period of imprisonment shall not in the aggregate exceed that prescribed in section 342 or section 481, as the case may be."

**9.** The last sixteen words of section 8 of the Married Women's Property Act, 1874, and the whole of section 31 of the Ajmere Courts Regulation, 1877, are hereby repealed.

Repeal of other enactments.

**10.** (1) For the first fifty-five words of section 48 of the Act of the Government of Fort St. George in Council, No. VIII of 1865 the following shall be substituted, namely:—

Amendment of parts of Madras Act VIII of 1865 and India Act XII of 1881.

"No person shall be imprisoned as a defaulter for a longer period than six months whatever the amount of the arrears may be, nor for a longer period than six weeks if the arrears do not exceed fifty rupees."

(2) For the proviso to section 163 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

"Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed six weeks when the amount decreed (exclusive of costs) does not exceed fifty rupees, or six months in any other case."

S. HARVEY JAMES,  
Secretary to the Government of India

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd March, 1888, and is hereby promulgated for general information :—

## ACT NO. VII OF 1888.

*An Act to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877.*

WHEREAS it is expedient to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877; It is hereby enacted as follows :—

1. (1) This Act may be called the Civil Procedure Code Amendment Act, 1888; and

(2) It shall come into force on the first day of July, 1888.

2. (1) In this Act, unless there is something repugnant in the subject or context, "section" means a section, "schedule" a schedule, and "Chapter" a Chapter, of the Code of Civil Procedure.

(2) Any reference in any enactment heretofore passed or hereafter to be passed to any Act amended by this Act shall, so far as may be, be read as if made to that Act as so amended.

3. The following shall be inserted after section 4, namely :—

"4 A. (1) Where any Revenue Courts are governed by the provisions of the Code of Civil Procedure in those matters of procedure upon which any special enactment applicable to them is silent, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare that any portions of those provisions shall not apply to those Courts, or shall only apply to them with such modifications as the Local Government, with the sanction aforesaid, may prescribe.

"(2) 'Revenue Court' in sub-section (1) means a Court having jurisdiction under any local law to entertain suits relating to the rent,

revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits as being suits of a civil nature of which its cognizance is not barred by any enactment for the time being in force."

Repeal of part of section 8. 4. The second paragraph of section 8 is hereby repealed.

Addition to section 14. 5. To section 14 the following shall be added, namely :—

"Where a suit is instituted in British India on the judgment of any foreign Court in Asia or Africa except a Court of Record established by Letters Patent of Her Majesty or any predecessor of Her Majesty or a Supreme Consular Court established by an Order of Her Majesty in Council, the Court in which the suit is instituted shall not be precluded from inquiry into the merits of the case in which the judgment was passed."

Addition of new section after section 16. 6. The following shall be inserted after section 16, namely :—

"16A. (1) When it is alleged to be uncertain within the local limits of the jurisdiction of which of two or more Courts any immovable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction :

"Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

"(2) Where a statement has not been recorded under sub-section (1), and an objection is taken before an appellate or revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection if in its opinion there was, at the time of the institution of the suit, any reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto."

7. In section 17, after Explanation II, the following shall be inserted, namely :—

“EXPLANATION III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely :—

- (i) the place where the contract was made ;
- (ii) the place where the contract was to be performed or performance thereof completed ;
- (iii) the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable.”

8. In section 27 there shall be inserted after the words “the Court may” the words “at any stage of the suit”, and after the words “any other person or persons” the words “with his or their consent”.

9. For section 53 the following shall be substituted, namely :—

“53. The plaintiff may, at the discretion of the Court,—

- (a) at, or at any time before, the settlement of issues be rejected if it does not disclose a cause of action ;
- (b) at, or at any time before, the settlement of issues be returned for amendment within a time to be fixed by the Court, and upon such terms as to the payment of costs occasioned by such amendment as the Court thinks fit, if it—
  - (i) is not signed and verified as hereinbefore required,
  - (ii) does not state correctly and without prolixity the several particulars hereinbefore required, or contains particulars other than those so required,
  - (iii) is wrongly framed by reason of nonjoinder or misjoinder of parties, or joins causes of action which ought not to be joined in the same suit, or
  - (iv) is not framed in accordance with the provisions of section 42 ;
- (c) at any time before judgment be amended by the Court upon such terms as to the payment of costs as the Court thinks fit :

“Provided that a plaintiff shall not be amended either by the party to whom it is returned for amendment, or by the Court, so as to convert a suit of one character into a suit of another and inconsistent character.

“When a plaintiff is amended under this section the amendment shall be attested by the signature of the Judge.”

10. For section 72 the following shall be substituted, namely :—

“72. (1) If the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the sum-

mons, the summons shall ordinarily be delivered or sent to the proper officer to be served by him or one of his subordinates.

“(2) The proper officer may be an officer of another Court than that in which the suit is instituted, and, where he is such an officer, the summons may, subject to any rules which the High Court may make in this behalf, be sent to him by post or in such other manner as the Court may direct.”

11. In section 82, for the first twenty words the following shall be substituted, namely :—

“When a summons is returned under section 80, the Court shall if the return under that section has not been verified by the affidavit of the serving-officer, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court, touching his proceedings”.

12. For section 90 the following shall be substituted, namely :—

“90. If there is a British Resident or Agent, or a Superintendent appointed by the British Government, or a Court established or continued by the authority of the Governor General in Council, in or for the territory in which the defendant resides, the summons may be sent to such Resident, Agent, Superintendent or Court, by post or otherwise, for the purpose of being served upon the defendant ; and, if the Resident, Agent or Superintendent or the Judge of the Court returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be evidence of the service.”

13. For sections 141 and 142 the following shall be substituted, namely :—

“141. (1) Subject to the provisions of the next following sub-section, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely :—

- (a) the number and title of the suit,
- (b) the name of the person producing the document,
- (c) the date on which it was produced, and
- (d) a statement of its having been so admitted,

and the endorsement shall be signed by the Judge.

“(2) If a document so admitted is an entry in a book, account or record and a copy thereof has been substituted for the original under the next following section, the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed by the Judge.

“141A. (1) If a document admitted in evidence in the suit is an entry in a shop-book or other account in current use, the party on whose behalf the account is produced may furnish a copy of the entry.

“(2) If such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a

party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

- (i) where the record, book or account is produced on behalf of a party, then by that party, or
- (ii) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

“(3) When a copy of an entry is furnished under the foregoing provisions of this section, the Court shall, after causing the copy to be examined, compared and attested in manner mentioned in section 62, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

“142. When a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (a), (b) and (c) of section 141, sub-section (1), and a statement of its having been rejected, and the endorsement shall be signed by the Judge.

“142A. (1) Every document which has been admitted in evidence, or a copy thereof where a copy has been substituted for the original under section 141A, shall form part of the record of the suit.

“(2) Documents not admitted in evidence shall not form part of the record and shall be returned to the parties respectively producing them.”

14. In section 143, for the words and figures “sections 62, 141 and 142” there shall be substituted the following, namely:—

“section 62, section 141A, sub-section (3), or section 142A, sub-section (2).”

15. In section 159 the words “or sent” shall be inserted after the word “delivered”.

16. In section 168, for the words “shall examine the serving-officer on oath” the following shall be substituted, namely:—“shall if the certificate of the serving-officer has not been verified by affidavit, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court.”

17. The following shall be inserted after section 185, namely:—

“185A. (1) The Local Government may, by notification in the official Gazette, direct, with respect to any Judge specified in the notification, or falling under a description set forth therein, that

evidence in cases in which an appeal is allowed shall, instead of being taken down in the manner prescribed in the foregoing sections, be taken down by him with his own hand in the English language.

“(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

“(3) Evidence taken down under sub-section (1) or sub-section (2) shall be in the form mentioned in section 182, and be read over and signed, and, as occasion may require, interpreted and corrected, as if it were evidence taken down under that section.

“(4) The Local Government may, by notification in the official Gazette, revoke or vary a direction notified under sub-section (1).”

Addition to section 18. For section 191 the following shall be substituted, namely:—

“191. (1) Where the Judge taking down any evidence, or causing any evidence taken down by another Judge, memorandum to be made, under this Chapter, is prevented by death, transfer or other cause from concluding the trial of the suit, any successor to such Judge may deal with such evidence or memorandum as if he himself had taken it down or caused it to be made, and proceed with the suit from the stage at which his predecessor left it.

“(2) The provisions of sub-section (1) shall apply, so far as they can be made applicable, to a suit transferred under section 25:

“Provided that a Court transferring a suit under that section may, if it thinks fit, direct that the Court to which the suit is transferred shall recall all or any of the witnesses who have been examined and take their evidence afresh.”

19. To section 193 the following shall be added, namely:—

“A Court continuing a suit under section 191 may recall and re-examine a witness who has departed in accordance with section 173.”

20. (1) In section 209, for the first thirteen words the words “When a decree is for the payment of money” shall be substituted.

(2) To the same section the following shall be added, namely:—

“Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.”

**21.** (1) In section 216, for the first twenty-four words the following shall be substituted, namely :—

"If the defendant has been allowed a set-off against the claim of the plaintiff,"

(2) To the same section the following shall be added, namely :—

"The provisions of this section shall apply whether the set-off is admissible under section 111 or otherwise."

**22.** In section 223, for the words "in a case cognizable by a Court of Small Causes" the following shall be substituted, namely :—

"in a suit of which the value as set forth in the plaint did not exceed two thousand rupees and which, as regards its subject-matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provincial Court of Small Causes".

**23.** In section 229, after the word "established" the words "or continued" shall be inserted.

**24.** After section 229 the following shall be inserted, namely :—

"229A. So much of the foregoing sections of this Chapter as empowers a Court to send a decree for execution to another Court shall be construed as empowering a Court in British India to send a decree for execution to any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State to which the Governor General in Council has, by notification in the Gazette of India, declared this section to apply."

**25.** The last paragraph of section 230 is hereby repealed.

**26.** (1) In section 244, for clause (c) the following shall be substituted, namely :—

"(c) any other questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree or to the stay of execution thereof."

(2) To the same section the following shall be added, namely :—

"If a question arises as to who is the representative of a party for the purposes of this section, the Court may either stay execution of the decree until the question has been determined by a separate suit or itself determine the question by an order under this section."

**27.** For the last paragraph of section 258 the following shall be substituted, namely :—

"Unless such a payment or adjustment has been certified as aforesaid, it shall not be recognized as a payment or adjustment of the decree by any Court executing the decree."

**28.** (1) In the first proviso to section 266, clause (a), the words "and bedding" shall be inserted after the word "apparel".

(2) In the same proviso, clause (b), after the word "cattle" the words "and seed-grain" shall be inserted.

(3) In the same proviso, for clause (h) the following shall be substituted, namely :—

"(h) the salary of a public officer or of any servant of a Railway Company or local authority to the extent of—

(i) the whole of the salary where the salary does not exceed twenty rupees monthly ;

(ii) twenty rupees monthly where the salary exceeds twenty rupees and does not exceed forty rupees monthly ; and

(iii) one moiety of the salary in any other case."

(4) To the same proviso, after clause (l), the following shall be added, namely :—

"(m) any allowance declared by any law passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree ;

"(n) where the judgment-debtor is a person liable for the payment of land-revenue, any moveable property which under any law applicable to him is exempt from sale for the recovery of an arrear of such revenue."

(5) In the Explanation to the same proviso, for the word and letter "and (j)" the letters and word "(j) and (m)" shall be substituted.

**29.** In section 289 the words "on the spot where the property is attached" are hereby repealed.

**30.** To section 320 the following shall be added, namely :—

"Rules under this section may confer upon the Collector or any gazetted subordinate of the Collector all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector, including the powers of the Court under sections 294 and 312, and

may provide for orders passed by the Collector or any gazetted subordinate of the Collector, or orders passed on appeal with respect to such orders, being subject to appeal to and revision by superior Revenue-authorities as nearly as may be as the orders passed by the Court, or orders passed on appeal with respect to such orders, would be subject to appeal to and revision by appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Collector.

"A power conferred by the rules upon the Collector or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be exercisable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

"In executing a decree transferred to the Collector under this section, the Collector and his subordinates shall be deemed to be acting judicially within the meaning of Act No. XVIII of 1850 (*an Act for the protection of Judicial Officers*).

31. (r) In section 349, for the words "is under arrest" the words "is in custody under the foregoing provisions of this Code" shall be substituted.

(2) In section 354, between the word "and" and the words "shall operate" the words "every order under that section appointing a Receiver" shall be inserted.

(3) For the second paragraph of section 360 the following shall be substituted, namely:—

"A Court so invested may entertain an application under section 344 by any person who has been arrested or imprisoned, or against whose property an order of attachment has been made, in execution of a decree for money passed by that Court."

(4) At the end of Chapter XX the following shall be inserted, namely:—

"360A. Nothing in this Chapter shall apply to any Court having jurisdiction within the limits of the town of Calcutta, Madras or Bombay."

32. (r) For sections 363 and 364 the following shall be substituted, namely:—

"363. If there are more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them

and the legal representative of the deceased plaintiff jointly, the Court may cause the legal representative, if any, of the deceased plaintiff to be made a party, and shall thereupon cause an entry to that effect to be made on the record and proceed with the suit."

(2) For section 365 the following shall be substituted, namely:—

"365. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court to have his name entered on the record in place of the deceased plaintiff, and the Court shall thereupon enter his name and proceed with the suit."

(3) To section 368 the following shall be added, namely:—

"The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon."

(4) After section 372 the following shall be added, namely:—

"372A. The provisions of section 5 of the XV of 1877. Indian Limitation Act, 1877, applicable to appeals shall apply to applications under sections 365, 368 and 371."

33. To section 381 the following shall be added, namely:—

"or show good cause why such time should be extended, in which case the Court may extend it.

"Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time allowed, the Court shall set aside the dismissal upon such terms as to security, costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

"The dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

"The provisions of the Indian Limitation Act, XV of 1877, with respect to an application under section 103, and of this Code with respect to an appeal from an order rejecting such an application, shall apply, so far as they can be made applicable, to an application under this section for an order to set aside the dismissal of a suit, and to an appeal from an order rejecting such an application, respectively."

34. In section 386, for the words "or to any pleader of a High Court whom the Court issuing the commission thinks fit to appoint" the following shall be substituted, namely:—

"or to any pleader or other person whom the

Court issuing the commission may, subject to any rules of the High Court in this behalf, think fit to appoint."

35. In section 419, after the words "Government Pleader in any Court" the words "or such other person as the Local Government may for any Court appoint in this behalf" shall be inserted.

36. In section 424, after the words "intending plaintiff" the words "and the relief which he claims" shall be inserted.

37. (1) In section 432, after the words "British India" the following shall be inserted, namely:—

"or at the request of any person competent in the opinion of the Government to act on behalf of such Prince or Chief,".

(2) To the same section the following shall be added, namely:—

"An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the Prince or Chief.

"A person appointed under this section may authorise or appoint persons to make and do appearances, applications and acts in any such suit or suits as if he were himself a party to the suit or suits."

Substitution of new section for section 433.

38. For section 433 the following shall be substituted, namely:—

"433. (1) Any such Prince or Chief, and any ambassador or envoy of a Foreign State, may, with the consent of the Governor General in Council, certified

by the signature of one of the Secretaries to the Government of India (but not without such consent), be sued in any competent Court.

"(2) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Prince, Chief, ambassador or envoy may be sued; but it shall not be given unless the Prince, Chief, ambassador or envoy—

(a) has instituted a suit in the Court against the person desiring to sue him, or

(b) by himself or another trades within the local limits of the jurisdiction of the Court, or

(c) is in possession of immoveable property situate within those limits and is to be sued with reference to such possession or for money charged on that property.

"(3) No such Prince, Chief, ambassador or envoy shall be arrested under this Code, and,

except with the consent of the Governor General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy.

"(4) The Governor General in Council may, by notification in the Gazette of India, authorise a Local Government and any Secretary to that Government to exercise, with respect to any Prince, Chief, ambassador or envoy named in the notification, the functions assigned by the foregoing sub-sections to the Governor General in Council and a Secretary to the Government of India, respectively.

"(5) A person may, as a tenant of immoveable property, sue, without such consent as is mentioned in this section, a Prince, Chief, ambassador or envoy from whom he holds or claims to hold the property."

39. (1) Section 434 shall become section 229B, and any reference made before the commencement of this Act in any notification or other document to section 434 shall be read as a reference to section 229B.

(2) In section 229B, the words "or continued" shall be inserted after the word "established".

Insertion of new section 434.

40. After section 433 the following section shall be inserted, namely:—

Style of Princes and Chiefs as parties to suits.

"434. A Sovereign Prince or ruling Chief may sue, and shall be sued, in the name of his State:

"Provided that in giving the consent referred to in the last foregoing section the Governor General in Council or Local Government, as the case may be, may direct that any such Prince or Chief shall be sued in the name of an agent or in any other name."

41. To section 464 the following shall be prefixed, namely:—

"Nothing in this Chapter applies to a Sovereign Prince or ruling Chief suing or being sued in the name of his State or being sued, by direction of the Governor General in Council or a Local Government, in the name of an agent or in any other name, and"

42. In section 503, clause (d), the words "as the Court thinks fit" shall be inserted after the words "by way of remuneration".

43. In section 504, for the words "the Court may appoint the Collector" the words "the Court may, with the consent of the Collector, appoint him" shall be substituted.

44. In section 539, for the words "having a direct interest" the words "having an interest" shall be substituted.

Addition to section 540.

45. To section 540 the following shall be added, namely:—

"An appeal may lie under this section from an original decree passed *ex parte*."

Addition to section 549.

46. To section 549 the following shall be added, namely:—

"If such security be furnished, any costs for which a surety may have rendered himself liable may be recovered from him in execution of the decree of the Appellate Court in the same manner as if he were the appellant."

Substitution of new section for section 551.

47. (1) For section 551 the following shall be substituted, namely:—

"551. (1) The Appellate Court, if it thinks fit, may, after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, dismiss the appeal without sending notice of the appeal to the Court against whose decree the appeal is made and without serving notice on the respondent or his pleader.

"(2) If on the day fixed under sub-section (1) or any other day to which the hearing may be adjourned the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

"(3) The dismissal of an appeal under this section shall be notified to the Court against whose decree the appeal is made."

(2) For the first paragraph of section 552 the following shall be substituted, namely:—

"Unless the Appellate Court dismisses the appeal under the last foregoing section, it shall fix a day for hearing the appeal."

(3) In section 558 the words and figures "section 551, sub-section (2)," shall be inserted before the word and figures "section 556".

48. (1) For the proviso to the first paragraph of section 561 the following shall be substituted, namely:—

"Provided he has filed the objection in the Appellate Court within one month from the date of the service on him or his pleader under section 553 of notice of the day fixed for hearing the appeal, or within such further time as the Appellate Court may see fit to allow."

(2) To the same section the following shall be added, namely:—

"Unless the respondent files with the objection a written acknowledgment from the appellant or his pleader of having received a copy thereof, the Appellate Court shall cause such a copy to be served, as soon as may be after

the filing of the objection, on the appellant or his pleader, at the expense of the respondent.

"The provisions of Chapter XLIV shall, so far as they can be made applicable, apply to an objection under this section."

49. (1) In section 562 the words "so as to exclude any evidence of fact which appears to the Appellate Court essential to the determination of the rights of the parties" are hereby repealed.

(2) In the same section, for the word "investigate" the word "determine" shall be substituted.

50. Section 563 is hereby repealed.

51. In section 565, for the word "shall" the Amendment of word "may" shall be substituted.

52. (1) In section 566 the words "and the Amendment of sec. evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question" are hereby repealed.

(2) In the same section, between the words "the Appellate Court may" and the words "frame issues" the words "if necessary" shall be inserted.

53. (1) In section 582, for the words "the words Amendment of sec. 'plaintiff' 'defendant' and 'suit' shall be held to include an appellant, a respondent and an appeal, respectively," the following shall be substituted, namely:—

"the word 'plaintiff' shall be held to include a plaintiff-appellant or defendant-appellant, the word 'defendant' a plaintiff-respondent or defendant-respondent, and the word 'suit' an appeal".

(2) In the same section, the words and figures "including those of section 372A," shall be inserted after the words "The provisions hereinafter contained".

54. To section 584 the following shall be added, namely:—

"An appeal may lie under this section from an appellate decree passed *ex parte*."

55. (1) In section 588, clause (9), for the word Amendment of sec. "or" the word "for" shall be substituted.

(2) In the same section, clause (16), for the words "the first paragraph of" the words "and orders under" shall be substituted.

56. The first paragraph of section 589, and the word "other" in the second paragraph of that section, are hereby repealed.

57. Section 599, and in section 601 the words Repeal of section 599 and part of section 601. "within thirty days from the date of the order", are hereby repealed.

58. After the second paragraph of section 610 Addition to section the following shall be inserted, namely:—

"In so far as the order awards costs to the respondent, it may be executed against a surety therefor, to the extent to which he has rendered himself liable, in the same manner as it may be executed against the appellant :

"Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety."

59. To section 626 the following proviso shall be added, namely :—

"and

"(c) an application made under section 624 to the Judge who delivered the judgment may, if that Judge has ordered notice to issue under proviso (a) to this section, be disposed of by his successor."

Addition of new sections after section 646.

60. After section 646 the following shall be inserted, namely :—

"646A. (1) If at any time before judgment a Court in which a suit has been instituted doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the High Court with a statement of its reasons for the doubt as to the nature of the suit.

"(2) On receiving the record and statement the High Court may order the Court either to proceed with the suit or to return the plaint for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit.

"646B. (1) If it appears to a District Court that a Court subordinate thereto has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and, if required by a party, shall, submit the record to the High Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

"(2) On receiving the record and statement, the High Court may pass such order in the case as it thinks fit.

"(3) With respect to any proceeding subsequent to decree in any case submitted to the High Court under this section, the High Court may make such order as in the circumstances appears to it to be just and proper.

"(4) A Court subordinate to a District Court shall comply with any requisition which the

District Court may make for any record or information for the purposes of this section."

61. (1) For the third paragraph of section 648 Amendment of, and the following shall be substituted :—

"and the Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him."

(2) To section 648 the following shall be added, namely :—

"Where a person to be arrested or moveable property to be attached under this section is within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal or at Madras or Bombay, or of the Court of the Recorder of Rangoon, the copy of the warrant of arrest or of the order of attachment, and the probable amount of the costs of the arrest or attachment, shall be sent to the Court of Small Causes of Calcutta, Madras, Bombay or Rangoon, as the case may be, and that Court, on receipt of the copy and amount, shall proceed as if it were the District Court."

62. In section 650A, the words "or continued" shall be inserted after the word "established".

63. To section 652 the following shall be added, namely :—

"A High Court not established under the Statute 24 & 25 Victoria, chapter 104 (*an Act for establishing High Courts of Judicature in India*) may, from time to time, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might under section 15 of that Statute make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a presidency-town. Rules so made shall be published in the same manner, and shall thereupon have the same force, as rules made and published under this section for the regulation of matters connected with procedure."

64. In form No. 137 of the fourth schedule the words "bound by the decree" shall be inserted after the words "remove any person".

65. (1) After clause (n) of section 17 of the Indian Registration Act, 1877, as amended by the Indian Registration Act, 1877, III of VII c

1886, the following clause shall be added, namely:—

"(o) a certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue officer."

(2) In the second paragraph of section 50 of the same Act, for the word and letter "and (n)" the letters and word "(n) and (o)" shall be substituted.

(3) The Indian Registration Act, 1877, shall be construed as if the amendments made in it by this section had been made therein by Act XII of 1879 (*an Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877*):

Provided that nothing in this sub-section shall be deemed to affect a decree or order made by any Court before the commencement of this Act.

66. (1) No. 161 of the second schedule to the Indian Limitation Act, 1877, shall be transposed and become No. 173A, and the entry against it in the second column of that schedule shall be "Ditto", signifying ninety days.

(2) Nos. 171, 171A and 171B of the same schedule are hereby repealed.

(3) For No. 171C of the same schedule the following shall be substituted, namely:—

Description of Application.	Period of Limitation.	Time from which period begins to run.
*	*	*
171. Under section 371 of the Code of Civil Procedure, or under that section and section 582 of the same Code, for an order to set aside an order for abatement or dismissal.	Sixty days.	The date of the order for abatement or dismissal.

(4) After No. 175 of the same schedule the following shall be inserted, namely:—

Description of Application.	Period of Limitation.	Time from which period begins to run.
*	*	*
175A. Under section 365 of the Code of Civil Procedure by the legal representative of a deceased plaintiff, or under that section and section 582 of the same Code by the legal representative of a deceased plaintiff-appellant or defendant-appellant.	Six months	The date of the death of the deceased plaintiff or of the deceased plaintiff-appellant or defendant-appellant.
175B. Under section 366 of the Code of Civil Procedure by a defendant, or under that section and section 582 of the same Code by a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased plaintiff or of the deceased defendant-appellant or plaintiff-appellant.
175C. Under section 368 of the Code of Civil Procedure to have the legal representative of a deceased defendant made a defendant, or under that section and section 582 of the same Code to have the legal representative of a deceased plaintiff-respondent or defendant-respondent made a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased defendant or of the deceased plaintiff-respondent or defendant-respondent.

S. HARVEY JAMES,

Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 4, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th January, 1888, and was referred to a Select Committee on the 3rd February, 1888 :—

No. 1 OF 1888.

*A Bill to provide for the levy of a Customs-duty on Petroleum.*

WHEREAS it is expedient to provide for the levy of a customs-duty on petroleum; It is hereby enacted as follows :—

I. To the second schedule to the Indian  
Addition to Schedule II, Act XI, 1882. Tariff Act, 1882, the following shall be added, namely :—

No.	Names of Articles	Per	Tariff valuation.	Rate of Duty.
5	Petroleum, including also the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance or from any products of petroleum	...	Ad valorem	5 per cent.

VIII of 1878. And whereas the provisos to section 37 of the Sea Customs Act, 1878, do not apply to goods to which a rate of duty is not already applicable; It is further enacted as follows :—

2. The rate of duty applicable to petroleum of which the bill-of-entry is delivered, within the meaning of section 37 of the Sea Customs Act, 1878, to the Customs-collector under section 86 of that Act after the passing of this Act shall be the rate of duty specified in the second schedule to the Indian Tariff Act, 1882, as amended by this Act.

#### STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to impose an *ad valorem* customs-duty of five per centum on petroleum, of which thirty-two millions of gallons, of the value of over one hundred and twenty-five lakhs of rupees, were imported into British India during the year 1886-87.

*The 27th January, 1888.*

J. WESTLAND.

S. HARVEY JAMES,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 18, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to consolidate and amend the Law relating to the Protection of Inventions and Designs was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 17th February, 1888:—

WE, the undersigned, Members of the Select Committee to which the Bill to consoli-

From Registrar, High Court, Calcutta, No. 277, dated 4th February, 1887 [Paper No. 1].  
From H. H. Remfry, Esq., Solicitor, Calcutta, dated 10th March, 1887 [Paper No. 2].  
From Secretary to Chief Commissioner, Coorg, No. 619—97, dated 8th April, 1887 [Paper No. 3].  
Report of the Committee of Fellows of the Institute of Patent Agents [Paper No. 4].  
From Secretary to Government, Punjab, No. 523, dated 10th May, 1887, and enclosures [Papers No. 5].  
From Officiating Secretary for Berar to Resident, Hyderabad, No. 184 G., dated 13th May, 1887, and enclosures [Papers No. 6].  
From Messrs. Thomson & Mylne, Beheea, dated 14th May, 1887, and enclosures [Papers No. 7].  
From Officiating Chief Commissioner, Ajmere-Merwára, No. 575, dated 20th May, 1887 [Paper No. 8].  
From Messrs. Cantwell & Co., Patent Agents, Calcutta, dated 3rd June, 1887 [Paper No. 9].  
Office Memorandum by Home Department, No. 742, dated 8th June, 1887, and enclosures [Papers No. 10].  
From Officiating Chief Commissioner, Ajmere-Merwára, No. 657, dated 10th June, 1887, and enclosure [Papers No. 11].  
From Chief Secretary to Government, Madras, No. 1140, dated 1st June, 1887, and enclosures [Papers No. 12].  
From Secretary to Government, North-Western Provinces and Oudh, No. 596—III-993, dated 10th June, 1887, and enclosures [Papers No. 13].  
From Secretary to Chief Commissioner, Assam, No. 1128, dated 18th June, 1887, and enclosures [Papers No. 14].  
From Secretary to Chief Commissioner, Burma, No. 675—7 L., dated 25th June, 1887, and enclosure [Papers No. 15].  
From Secretary to Government, Bengal, No. 28 T.—G., dated 30th June, 1887, and enclosures [Papers No. 16].  
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 3280—165, dated 2nd July, 1887 [Paper No. 17].  
Office Memorandum by Home Department, No. 989, dated 5th August, 1887, and enclosures [Papers No. 18].  
From Acting Chief Secretary to Government, Bombay, No. 2510, dated 25th August, 1887, and enclosures [Papers No. 19].  
From Messrs. DePenning & DePenning, Calcutta, dated 5th December, 1887 [Paper No. 20].  
Office Memorandum from Revenue and Agricultural Department, to Home Department, No. 662—48-5 A., dated 18th August, 1887, and enclosures [Papers No. 21].  
Office Memorandum from Home Department, No. 1707, dated 30th December, 1887, and enclosures [Papers No. 22].  
Office Memorandum from Home Department, No. 204, dated 30th January, 1888, and enclosures [Papers No. 23].  
Memorandum by J. T. Woodroffe, Esq., Barrister-at-law, Calcutta, dated 25th January, 1888 [Paper No. 24].

date and amend the law relating to the Protection of Inventions and Designs was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. Section 5.—We have added a clause to the effect that models are only to be called for in exceptional cases.

3. Section 6.—We have provided that a fee for an inquiry and report under this section is

not to be paid by an applicant unless the inquiry and report are made by a person who is not in the service of the Government. In proposing this provision we have been guided by the opinions expressed in the papers which we have considered, and, in particular, by the Resolution of the Government of India in the Home Department, No. 10—1101, dated the 21st July, 1875.

4. *Section 9.*—In re-drafting this section respecting the form and contents of specifications we have had regard to the Rules of Practice in the United States Patent Office as revised last year.

5. *Section 11.*—We have required copies of specifications to be sent to the Chief Commissioner of Burma as well as to the Governments of Madras and Bombay.

6. *Section 15.*—We have expressly provided that the High Court may, if it sees fit, invite objections to the extension of an exclusive privilege.

7. *Section 20.*—We have provided that when an inventor has, in any country other than British India or the United Kingdom, acquired an exclusive privilege in respect of an invention, he must, if he desires to acquire such a privilege in British India, apply for leave to file a specification of the invention within one year from the date of his having acquired the exclusive privilege in the other country.

8. *Section 28.*—We have also provided that, if an exclusive privilege acquired in respect of an invention in British India has been acquired in any other country and is revoked or expires as regards that country, it is to cease as regards British India also.

9. *Section 38.*—We have proposed to extend the period within which, in case of fraud on an actual inventor, a suit may be instituted by him for the assertion of his title to an exclusive privilege in respect of his invention, and to require the Court in assessing damages in such a suit to have regard to the degree of diligence which the inventor has exerted in the prosecution of his claim.

10. *Section 44.*—This section follows section 36 of 46 & 47 Vic., cap. 57, and provides for the assignment of an exclusive privilege for any particular place.

11. *Sections 45 and 47.*—We have here amplified the provisions of the Bill respecting the performance of acts by agents.

12. *Sections 51 and 61 and Fifth Schedule.*—We have added to the Schedules a form of an application for an order for the registration of a design, and have provided for copies of drawings, photographs or tracings of designs being sent for record to Madras, Bombay and Rangoon.

13. *Second and Third Schedules.*—We have proposed to vary the form, though not the substance, of these Schedules.

14. *Fourth Schedule.*—We have proposed that an exclusive privilege be enjoyed on a payment of Rs. 40 for the first four years, of Rs. 50 annually for the next five years, and of Rs. 100 annually for every subsequent year of the continuance of the privilege.

15. The publication ordered by the Council has been made as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India . . . . .	8th, 15th and 22nd January, 1887.
Fort Saint George Gazette . . . . .	25th January, 1887.
Bombay Government Gazette . . . . .	13th January, 1887.
Calcutta Gazette . . . . .	12th January, 1887.
North-Western Provinces and Oudh Government Gazette . . . . .	15th January, 1887.
Punjab Government Gazette . . . . .	20th January, 1887.
Central Provinces Gazette . . . . .	15th January, 1887.
Burma Gazette . . . . .	29th January, 1887.
Assam Gazette . . . . .	29th January, 1887.
Coorg District Gazette . . . . .	1st February, 1887.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay . . . . .	Maráthi . . . . .	2nd June, 1887.
	Gujaráthi . . . . .	2nd June, 1887.
	Kanarese . . . . .	2nd June, 1887.
Bengal . . . . .	Bengali . . . . .	26th April, 1887.
	Hindi . . . . .	14th June, 1887.
North-Western Provinces and Oudh . . . . .	Urdu . . . . .	30th July, 1887.
Assam . . . . .	Bengali . . . . .	14th May, 1887.

16. We do not consider that the Bill has been so amended as to require re-publication, and we recommend that it be passed as amended by us.

ANDREW R. SCOBLE.  
C. U. AITCHISON.  
C. A. ELLIOTT.  
PEÁRI MOHAN MUKERJI.  
ROBERT STEEL.

*The 17th February, 1888.*

## No. II.

THE INVENTIONS AND DESIGNS  
BILL, 1887.

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THE FIFTH SCHEDULE.—APPLICATION FOR ORDER FOR REGISTRATION OF DESIGN.

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*The Inventions and Designs Bill.**(Part I.—Inventions.—Section 1-5.)***No. II.***A Bill to Consolidate and amend the law relating to the Protection of Inventions and Designs.*

WHEREAS it is expedient to consolidate and amend the law relating to the protection of inventions and designs; It is hereby enacted as follows:—

1. (1) This Act may be called the Inventions and Designs Act, 1888.

Title, extent and commencement.

(2) It shall extend to the whole of British India; and

(3) It shall come into force on the first day of July, 1888.

2. (1) The enactments described in the first schedule are hereby repealed to the extent specified in the third column thereof.

(2) But this repeal of enactments shall not affect any exclusive privilege acquired, or any conditions or restrictions imposed with respect to any such privilege, or any right or liability accrued or incurred, under any of those enactments before the commencement of this Act, or any relief in respect of any such privilege, right or liability.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

3. The remainder of this Act is divided into Parts, as follows:—

## PART I.—INVENTIONS.

## PART II.—DESIGNS.

## PART I.

## INVENTIONS.

4. In this Part, unless there is something repugnant in the subject or context,—

Definitions.

(1) "invention" includes an improvement:

(2) "inventor" does not include the importer into British India of a new invention unless he is the actual inventor:

(3) "applicant" means a person who has applied under this Part for leave to file a specification of an invention, whether he has filed the specification or not:

(4) "assign" includes a grantee of the exclusive privilege of making, selling or using an invention, or of authorising others so to do, during the term for which the privilege is to

continue or may be extended, or for any shorter term:

(5) "inventor", "actual inventor" and "applicant" include the executors, administrators or assigns of an inventor, actual inventor and applicant, as the case may be:

(6) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture:

(7) "write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance:

(8) "Secretary" means a Secretary to the Government of India appointed by the Governor General in Council to discharge the functions of the Secretary under this Act, and includes any under-secretary, assistant-secretary or other officer subordinate to the Government of India to the extent to which such officer may be authorised by general or special order of the Governor General in Council to discharge any of those functions:

(9) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure: and

(10) "High Court" has the meaning assigned to that expression by the Code of Criminal Procedure, 1882, in reference to proceedings against European British subjects.

5. (1) The inventor of a new manufacture, whether he is a British subject or not, may apply to the Governor General in Council for leave to file a specification thereof.

(2) The application must be in writing signed by the applicant and in the form or to the effect of the second schedule if the inventor has not obtained a patent in the United Kingdom, and in the form or to the effect of the third schedule if he has obtained a patent in the United Kingdom.

(3) It must state the name, occupation and address of the applicant, and, where a patent has been obtained in the United Kingdom, the date of the patent and the date of the actual sealing thereof, and must describe with reasonable precision and detail the nature of the invention, and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Governor General in Council may see fit to require from the applicant.

(4) If in any case it appears to the Governor General in Council that an application ought to be further supplemented by a model of anything alleged to constitute an invention, he may

*The Inventions and Designs Bill.**(Part I.—Inventions.—Sections 6-9.)*

require the applicant to furnish such a model neatly and substantially made of durable material and of dimensions not exceeding those, if any, specified in the requisition therefor.

6. (1) Upon an application under the last Order to file specification. foregoing section the Governor General in Council may, after such inquiry as he thinks fit, make an order authorising the applicant to file a specification of the invention.

(2) Before making an order under sub-section (1), the Governor General in Council may direct that the application be referred for inquiry and report to any person whom he thinks fit.

(3) When such enquiry and report are made by a person who is not in the service of the Government, there shall be payable to that person by the applicant such fee as the Governor General in Council, after considering the report, may determine.

(4) When an application is to be referred to such a person, the applicant shall deposit, in such place and within such time as the Governor General in Council may by rule or otherwise prescribe, such sum as will, in the opinion of the Secretary, be sufficient to defray any fee which is likely to be determined under sub-section (3).

(5) If the sum is not deposited in the place and within the time prescribed, the application may be rejected.

(6) If the fee as determined by the Governor General in Council exceeds the sum so deposited, an order shall not be made under sub-section (1) until the applicant has paid the balance of the fee.

(7) If the sum deposited exceeds the fee so determined, the excess shall be refunded to the applicant.

7. (1) If two or more inventors apply on the same day for leave to file specifications of inventions which appear to the Governor General in Council to be identical or so similar as to be practically identical, the Governor General in Council may, in his discretion, authorise both or all the applicants, subject to the other provisions of this Part, to file specifications of their respective inventions.

(2) If they apply on different days for leave to file specifications of such inventions as aforesaid, the applicant who applied on the first of the different days shall be deemed to have a preferential claim to an order authorising the filing of his specification.

8. (1) If within six months from the date of an order under section 6, sub-section (1), or within such further time, not exceeding three months, as the Governor General in Council, in his discretion, may, on cause shown to his satisfaction and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the applicant causes a specification of his invention to be filed in manner by this Part required, and the fee prescribed in the fourth schedule in respect of the filing of the specification to be paid, the applicant shall, subject to the other provisions of this Part, be entitled to the exclusive privilege of making, selling and using the invention in British India, and of authorising others so to do, for a term of fourteen years from the date of the filing of the specification.

(2) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (1), cease if the inventor fails to pay, within the time limited in that behalf by the fourth schedule, any fee prescribed in that schedule in respect of the continuance of the privilege.

(3) If, nevertheless, in any case, by accident, mistake or inadvertence, an inventor fails to pay any such fee within the time so limited, he may apply to the Governor General in Council for an enlargement of the time for making the payment.

(4) Thereupon the Governor General in Council may enlarge the time accordingly, on payment of the fee prescribed in that behalf in the fourth schedule and subject to the following conditions, namely:—

(a) the time for making a payment shall not in any case be enlarged for more than three months; and

(b) if any suit is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof and before the enlargement of that time, the Court disposing of the suit may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

9. (1) A specification filed under this Part must be in writing signed by the applicant, and must set forth the precise invention in respect of which the applicant claims to become entitled to an exclusive privilege.

(2) If the specification is of an invention which is an improvement only, it must, by explicit language distinguish between what is old and what is claimed to be new.

*The Inventions and Designs Bill.**(Part I.—Inventions.—Sections 10-15)*

(7) Every specification must explain the principle of the invention set forth therein and the best mode in which the applicant has contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

10. Every application for leave to file a specification, and every specification filed under this Part, must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

11. (1) At the time of delivering or sending the specification for the purpose of its being filed, the applicant shall cause to be delivered or sent therewith to the Secretary as many copies thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(2) One of these copies shall be retained by the Secretary, and one shall be sent to the Governor of Fort St. George in Council, one to the Governor of Bombay in Council, one to the Chief Commissioner of Burma, and the others, if any, to such authorities as the Governor General in Council may appoint in this behalf.

(3) The copies of the specification which are sent under sub-section (2) to the authorities mentioned or referred to in that sub-section shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

12. (1) A book, to be called the register of inventions, shall be kept in the office of the Secretary wherein shall be entered and recorded every application for leave to file a specification, every order made on any such application, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein.

(2) Applications for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt, and shall be entered in the register of inventions in the order of their respective numbers.

(3) A reference shall be made in that register, in the margin of the entry of each application, to every order on or in respect of the application, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the application.

13. (1) Another book, to be called the address-book, shall be kept in the office of the Secretary wherein any person filing a specification under this Part, or any person in whom an exclusive privilege acquired under this Part, or any share or interest therein, may become vested, may from time to time cause to be stated some place in British India where notice of any rule or proceeding relating to the exclusive privilege may be served on him.

(2) A reference to each entry in the address-book shall be made in the register of inventions in the margin of the entry in that register of the application for leave to file the specification.

14. (1) Every entry in the register of inventions or address-book, and every document entered and recorded in the register, shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document and shall be open to the inspection of any person at all reasonable times at the office of the Secretary.

(2) The books kept under section 11 and section 35 of Act No. XV of 1859 (*an Act for granting exclusive Privileges to Inventors*) shall be deemed to be parts of the register of inventions and address-book respectively.

15. (1) The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege acquired under section 8, apply to the Governor General in Council for an extension of the privilege for a further term.

(2) When an application is made under sub-section (1), the Governor General in Council may, if he thinks fit, refer it to a High Court for report.

(3) The Court to which the application is referred shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made by the inventor as such, and to all the circumstances of the case.

(4) The procedure on the reference shall be such as the Court thinks fit, and may include the issue of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day on which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representation which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(5) If the Governor General in Council is of opinion, or, where a reference has been made under sub-section (2), if the Court reports, that the inventor has been inadequately remunerated

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by his exclusive privilege, the Governor General in Council may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(6) But an exclusive privilege of which the term has been extended under the last foregoing sub-section shall, notwithstanding anything in that sub-section, cease if the inventor fails to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

16. An order under section 6, sub-section (1), authorizing the filing of a specification, or under section 15, sub-section (5), extending the term of an exclusive privilege, may be made subject to such conditions as the Governor General in Council thinks expedient.

17. (1) Subject to any conditions imposed under the last foregoing section—

(a) with respect to the filing, by a person employed in the service of Her Majesty in India, of the specification of a manufacture invented by him in the course of his employment, or

(b) with respect to the extension, in favour of any person, of the term of an exclusive privilege,

an exclusive privilege acquired under this Part shall have to all intents the like effect as against Her Majesty as it has against a subject.

(2) But the officers or authorities administering any department of the service of Her Majesty may, by themselves, their agents, contractors or others, at any time after the delivery or receipt of the application for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Governor General in Council, between those officers or authorities and the inventor, or, in default of such agreement, on such terms as may be settled by the Governor General in Council.

18. (1) If, after the filing of the specification, the applicant has reason to believe that through mistake or inadvertence he has erroneously made any mis-statement in his application or specification or included therein something which at the date of the delivery or receipt of his application was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, he may apply to the Governor General in Council for leave to file a memorandum point-

ing out the mis-statement or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(2) The application must be in writing signed by the applicant, and must state how the error, defect or insufficiency occurred and that it was not fraudulently intended.

(3) Upon the application the Governor General in Council may make an order allowing the memorandum or amended specification to be filed.

(4) The provisions of section 6 with respect to applications, and of sections 9 and 11 with respect to specifications and copies thereof, shall apply, so far as they can be made applicable, to applications and to amended specifications, respectively, made and filed under this section.

19. An amended specification filed under the last foregoing section shall, except as to any suit or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed:

Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

20. A person shall not be entitled to an exclusive privilege under this Part—

(a) if the invention is of no utility, or  
(b) if the invention, at the date of the delivery or receipt of the application for leave to file the specification thereof, was not a new invention within the meaning of this Part, or

(c) if the applicant is not the inventor thereof, or

(d) if the original or any amended specification does not fulfil the requirements of this Part, or

(e) if the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or

(f) if the application for leave to file the specification of the invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of British India and the United Kingdom.

21. An invention shall be deemed a new invention within the meaning of this Part if it has not before the date of the delivery or receipt of the application for leave to file the

Novelty of invention dependent on public use or knowledge thereof before application to file specification.

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specification thereof been publicly used in any part of British India or of the United Kingdom, or been made publicly known in any part of British India or of the United Kingdom by means of a written publication.

22. The public use or knowledge of an invention before the date of the delivery or receipt of the application for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Part if the knowledge has been obtained surreptitiously or in fraud of the inventor or has been communicated to the public in fraud of the inventor or in breach of confidence:

Provided that the inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for leave to file a specification.

23. Use of an invention in public by the inventor thereof, or by his servant or agent, or by any other person by his license in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his application for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Part.

24. If an inventor who has obtained a patent for his invention in the United Kingdom causes an application for leave to file a specification of the invention under this Part to be delivered or received by the Secretary within twelve months from the date of the actual sealing of the patent, the invention shall be deemed a new invention within the meaning of this Part if it was not publicly used or known in any part of British India at or before the date of the application for the patent, notwithstanding that it may have been publicly used or known in some part of British India or of the United Kingdom before the date of the delivery or receipt of the application under this Part for leave to file the specification.

25. If an inventor applies for leave to file a specification under this Part while his application for a patent is pending in the United Kingdom, and the interval between the date of his application for the patent and the date of the delivery or receipt of his application under this Part does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within

the meaning of this Part, by reason only of the invention having been used, or a description thereof having been published, in any part of British India or of the United Kingdom during the interval.

26. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for leave to file a specification of the invention to be delivered to or received by the Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having at any time after admission into the exhibition been publicly used or made publicly known.

27. (1) An exclusive privilege acquired under this Part shall cease if the Governor General in Council declares the privilege, or the mode in which it is exercised, to be mischievous to the State, or generally prejudicial to the public.

(2) It shall also cease if a breach of any condition on which the applicant was authorised to file a specification, or on which the term of the exclusive privilege was extended, is on an application under this Part to a High Court proved to the satisfaction of that Court, and if the Governor General in Council thereupon declares the privilege to have ceased.

28. (1) An exclusive privilege acquired under this Part in respect of an invention for which a patent has been obtained in the United Kingdom shall cease on the revocation or expiration of the patent.

(2) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

29. (1) An inventor may institute a suit in the District Court against any person who, during the continuance of an exclusive privilege acquired by him under this Part in respect of an invention, makes, sells or uses the invention without his license, or counterfeits or imitates it.

(2) The suit shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a

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willful or fraudulent mis-statement, or upon the ground that the invention is of no utility:

(3) Nor shall it be defended upon the ground that the plaintiff was not the inventor, unless the defendant shows that he himself is the actual inventor or has obtained from the actual inventor a right to make, sell or use the invention, or to counterfeit or imitate it, as the case may be:

(4) Nor shall it be defended upon the ground that the invention was not new, unless the defendant, or some person through whom he claims, has, before the date of the delivery or receipt of the application for leave to file the specification, publicly or actually used in some part of British India or of the United Kingdom the invention or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

30. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention to be specified in

the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say:—

- (a) that the invention is of no utility, or
- (b) that the invention was not, at the date of the delivery or receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or
- (c) that the applicant was not the inventor thereof, or
- (d) that the original or any amended specification does not fulfil the requirements of this Part, or
- (e) that the applicant has knowingly or fraudulently included in the application for leave to file the specification or in the original or any amended specification, as part of his invention, something which was not new or whereof he was not the inventor, or
- (f) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or
- (g) that some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

31. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive pri-

Like application as to part of an invention.

vilage in respect of any part of an invention to be specified in the rule has not been acquired under this Part, by reason of all or any of the objections following (to be specified in the rule), that is to say:—

- (a) that that part of the invention is wholly distinct from the other parts thereof and is of no utility, or
- (b) that that part of the invention was not, at the date of the delivery of receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or
- (c) that the applicant was not the inventor of that part of the invention, or
- (d) that that part of the invention; or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

32. The High Court may, irrespective of any provisions of the Code of Civil Procedure in this behalf, require a person applying for a rule under

either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person appearing to show cause against the rule.

33. (1) Any person authorised by the Governor General in Council in this behalf may apply to a High Court for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 27 may, in the judgment of the Governor General in Council, depend, should not be tried in the form of an issue directed by the Court.

(2) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried and certify the result of the trial to the Governor General in Council.

34. (1) Notice of any rule obtained or proceeding taken under section 30, section 31 or section 33 shall be served on all persons appearing from the address-book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address-book, by delivering the copy to any person resident at or in charge of the place or, if there

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is no person resident at or in charge of the place, or if the place is not within the local limits of the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

35. (1) The High Court may, if it thinks fit, direct an issue for the trial, before itself or any other High Court, or any District Court, of any question of fact arising upon an application under section 30, section 31 or section 33, and the issue shall be tried accordingly.

(2) If the issue is directed to another Court, the finding shall be certified by that Court to the Court directing the issue.

(3) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the High Court, and the High Court may thereupon act upon the finding of the District Court, or dispose of the application upon the evidence recorded, or direct a new trial, as the justice of the case may require.

36. (1) If it appears to the High Court at the hearing of an application under section 30 or section 31 that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the applicant shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(2) If it appears to the High Court, at the hearing of any such application as last aforesaid, that the applicant has, in the description of his invention in the application for leave to file a specification thereof or in the original or any amended specification, erroneously included something which at the date of the delivery or receipt of the application for leave to file the specification was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect or insufficiency: or

(3) If it appears to the High Court that the error, defect or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective or insufficient; and thereupon the applicant shall, within

a time to be limited by the Court for the purpose, file in the office of the Secretary a specification amended according to the order.

(4) The provisions of section 18 with respect to the distribution and disposal of copies of amended specifications, and of section 19 with respect to the effect of such specifications, shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(5) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the application for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

37. (1) In a suit for the infringement of an exclusive privilege acquired under this Part the plaintiff shall deliver with his particulars of the breaches complained of in the suit, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(2) In like manner, upon an application to a High Court under section 30, section 31 or section 33, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(3) At the hearing of any such suit or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(4) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the application for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(5) Notwithstanding anything in the foregoing portion of this section, the Court in which the suit or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

38. If, in a suit instituted in the District Court Title of actual inventor at any time within fourteen years from the date of the filing of a specification of an invention under this Part, the actual inventor proves to the satisfaction of the Court that the applicant was not the actual inventor,

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and that at the time of the application for leave to file the specification the applicant knew or had reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived the knowledge, the Court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Part, in the actual inventor for a term of fourteen years from the date on which the specification was filed, and requiring the applicant to account for and pay over to the actual inventor the profits derived by him from the invention or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section and to all the other circumstances of the case, may see fit to require the applicant to pay.

39. A Court making a decree in a suit under section 29 or section 38, or an order on an application under section 30, section 31 or section 33, shall send a copy of the decree or order, as the case may be, to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

40. In the following cases, namely—  
Registration of cessation of exclusive privilege.

- (a) when an exclusive privilege acquired under this Part has ceased under section 8 or section 15 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof, and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired;
- (b) when an exclusive privilege acquired under this Part has been declared by the Governor General in Council under section 27 to have ceased;
- (c) when an exclusive privilege acquired under this Part has ceased under section 28 by reason of the revocation or expiration of a patent or exclusive privilege;
- (d) when the whole or any part of an exclusive privilege acquired under this Part has ceased under section 36 in consequence of an order under that section;
- (e) when an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 38;

- (f) when an exclusive privilege acquired under this Part has ceased by reason of the expiration of the term for which it was acquired;

the Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the application for leave to file the specification of the invention.

41. (1) If any person is aggrieved by an entry in the register of inventions or address-book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Part whereby the register or book may be rectified, he may apply to a High Court for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(2) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

(3) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

42. A High Court to which an application has been made under section 30, section 31, section 33 or section 41 may stay proceedings on, or dismiss, the application if in its opinion the application would be disposed of more justly or conveniently by another High Court.

43. If on the petition of any person interested it is proved to the Governor General in Council that, by reason of an inventor who has acquired an exclusive privilege under this Part failing to grant licenses on reasonable terms,—

- (a) the exclusive privilege is not being worked in British India, or
- (b) the reasonable requirements of the public with respect to the invention cannot be supplied, or
- (c) any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Governor General in Council may order the inventor to grant, or may himself on behalf of the inventor grant, licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor General in Council, having regard to the nature of the invention and the circumstances of the case, may deem just.

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44. Any person for the time being entitled to an exclusive privilege under this Part, or to any share or interest in such a privilege, in any local area may, subject to the conditions of his title thereto, assign the privilege or such share or interest, as the case may be, for any place in or part of that local area.

45. If an applicant is absent from British India, an application for leave to file a specification, or a specification, or an application for leave to file a memorandum or amended specification, may, instead of being signed by the applicant under section 5, section 9 or section 18, as the case may be, be signed on behalf of the applicant by an agent in British India authorised by him in writing in that behalf.

46. (1) An application under this Part for leave to file a specification, memorandum or amended specification must be verified by the person making the application.

(2) If that person is absent from British India, the application may be verified by the agent who signs the application on his behalf.

(3) The verification must be signed by the person making it, and must be to the effect that the facts stated in the application are true to his knowledge, except as to matters stated on information and belief, and that as to those matters he believes them to be true.

47. Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorised by this Part to be done by any person may be done on his behalf by an agent in British India having authority in writing from that person so to do the act.

48. (1) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(2) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council directs.

(4) A proceeding in respect of which a fee is payable under the fourth schedule shall be of no effect unless the fee has been paid.

49. (1) The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend either of the forms in the second and third schedules.

(2) Rules under this section may provide, among other matters, for the printing of specifications, memoranda and amended specifications, and for the distribution or sale of printed copies thereof.

## PART II.

## DESIGNS.

50. In this Part, unless there is something repugnant in the subject or context,—

Definitions.

(1) "design" means some peculiar shape, configuration or form given to an article, or arrangement of lines or the like used on or with an article, but not the article itself:

(2) "copyright" means the exclusive right to apply a design to an article:

(3) the author of any new and original design shall be considered the "proprietor" thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case that person shall be considered the "proprietor", and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to an article, either exclusively of any other person or otherwise, and also every person on whom the property in the design or the right to the application thereof shall devolve, shall be considered the "proprietor" of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise: and

(4) "Secretary", "District Court" and "High Court" have the same meanings as in Part I.

51. (1) Any person, whether a British subject or not, claiming to be the proprietor of any new and original design not previously published in British India may apply to the Governor General in Council for an order for the registration of the design.

(2) The application must be in writing in the form or to the effect of the fifth schedule, and must contain a statement of the nature of the design and be accompanied by as many copies of drawings, photographs or tracings thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(3) It must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof in the office of the Secretary shall be endorsed thereon and recorded in that office.

52. (1) Upon the application the Governor General in Council may, after such inquiry as he thinks fit, make an order authorizing the registration of the design.

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(2) When an order has been made under sub-section (1), the Secretary shall cause the design to be registered in a book to be kept by him for the purpose and to be called the register of designs.

(3) The date of registration shall be recorded in the register.

53. When a design is registered, the proprietor thereof shall, subject to the other provisions of this Part, have copyright in the design during five years from the date of registration.

54. (1) Before delivery on sale of any article to which a registered design has been applied, the proprietor of the design shall cause the article to be marked with the word "registered" either in full or in an abbreviated form.

(2) If he fails to cause the article to be so marked, the copyright in the design shall cease unless the proprietor shows that he took all proper steps to ensure the marking of the article.

55. If the proprietor of a design exhibited at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for an order for the registration of the design to be delivered to or received by the Secretary within six months from the date of the admission of the design into that exhibition, the design shall not be deemed not to be a new and original design not previously published in British India within the meaning of section 51 by reason only of the design having been exhibited at the exhibition.

56. Any person in whom the copyright in a design has become vested may apply to the Secretary for the entry of his name in the register of designs as proprietor of the copyright, and the Secretary may, if he sees fit, cause the entry to be made.

57. (1) The registered proprietor of a design may institute a suit in the District Court for the recovery of any damages arising from the application by any person to any article of the design or of any fraudulent or obvious imitation thereof for the purpose of sale, or from the publication, sale or exposure for sale by any person of any article to which the design, or any fraudulent or obvious imitation thereof, has been applied, that person knowing or having reason to believe that the proprietor had not given his consent to such application.

(2) When the Court makes a decree in a suit under this section, it shall send a copy of the decree to the Secretary, who shall cause an

entry thereof to be made in the register of designs.

58. (1) When, from the expiration of the term of a copyright or from any other cause, the copyright in a design has ceased, the Secretary shall cause an entry with respect to the cessation of the right to be made in the register of designs.

59. (1) A High Court may, on the application of any person aggrieved by an entry in the register of designs, or by the omission of an entry therefrom, make such order for the rectification of the register as it thinks fit.

(2) An order under sub-section (1) may declare copyright in a design not to have been acquired.

(3) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof to be made in the register of designs.

(4) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

60. A High Court to which an application has been made under the last foregoing section may stay proceedings on, or dismiss, the application if, in its opinion, the application would be disposed of more justly or conveniently by another High Court.

61. The provisions of the following portions of Part I, namely:—

- (a) section 11, with respect to copies of specifications,
  - (b) section 14, with respect to the register of inventions and the matters entered therein, and
  - (c) section 47, with respect to the performance by an agent of any act required or authorised by that Part to be done by a principal,
- shall, so far as they can be made applicable, apply, respectively, to—
- (a) copies of drawings, photographs or tracings accompanying an application for an order for the registration of a design in respect of which such an order has been made,
  - (b) the register of designs and the matters entered and documents referred to therein, and
  - (c) the performance by an agent of any act required or authorised by this Part to be done by a principal.

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(Part II.—*Designs*.—Sections 62-63. *The First Schedule*.—*Enactments repealed*.  
*The Second Schedule*.—*Application where Patent has not been obtained*.  
*The Third Schedule*.—*Application where Patent has been obtained*.)

62. (1) There shall be paid in respect of the several proceedings specified in the sixth schedule the fees in that schedule prescribed.

(2) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council may direct.

(4) A proceeding in respect of which a fee is payable under the sixth schedule shall be of no effect unless the fee has been paid.

63. The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend the form in the fifth schedule.

## THE FIRST SCHEDULE.

## ENACTMENTS REPEALED.

(See section 2.)

Number and year.	Subject or title.	Extent of repeal.
XV of 1859	For granting exclusive Privileges to Inventors.	So much as has not been repealed.
XIII of 1872	Patterns and Designs Protection Act, 1872.	So much as has not been repealed.
XVI of 1883	Protection of Inventions Act, 1883.	The whole.
1 of 1879	Indian Stamp Act, 1879.	Article 48, Schedule I.

## THE SECOND SCHEDULE.

## APPLICATION WHERE PATENT HAS NOT BEEN OBTAINED.

(See sections 5 and 49.)

## TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant is in possession of an invention for (*state the title of the invention*); he is the inventor thereof (*or, as the case may be, the executor, administrator or assign of the inventor*); and, to the best of his information and belief, the invention is new within the meaning of Part I of the Inventions and Designs Act, 1888, and no circumstance exists which, if the applicant is authorised to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

2. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

3. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Inventions and Designs Act, 1888.

(Signature and verification.)

## THE THIRD SCHEDULE.

## APPLICATION WHERE PATENT HAS BEEN OBTAINED.

(See sections 5 and 49.)

## TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant (*or, as the case may be, A. B. of whom the applicant is the executor, administrator or assign*) has obtained a patent in the United Kingdom dated and sealed as of the day of , and actually sealed on the day of , for (*state the title of the invention*).

2. To the best of the information and belief of the applicant, the invention is new within the meaning of Part I of the Inventions and Designs Act, 1888, and no circumstance exists which, if the applicant is authorised to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

3. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

4. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Inventions and Designs Act, 1888.

(Signature and verification.)

*The Inventions and Designs Bill.**(The Fourth Schedule.—Fees (Inventions). The Fifth Schedule.—Application for Order for Registration of Design).*

## THE FOURTH SCHEDULE.

## FEES (Inventions).

*(See sections 8, 15 and 48.)*

	Rs. a. p.
(1) in respect of an application for leave to file a specification (section 5) . . . . .	10 0 0
(2) in respect of the filing of a specification (section 8) . . . . .	30 0 0
(3) in respect of an extension of the time for filing a specification (section 8) . . . . .	20 0 0
(4) in respect of the continuance of an exclusive privilege (section 8)—	
(a) after the filing of the specification and before the expiration of the fourth year from the date of the filing thereof . . . . .	50 0 0
(b) after the expiration of the fourth year and before the expiration of the fifth year from that date . . . . .	50 0 0
(c) after the expiration of the fifth year and before the expiration of the sixth year from that date . . . . .	50 0 0
(d) after the expiration of the sixth year and before the expiration of the seventh year from that date . . . . .	50 0 0
(e) after the expiration of the seventh year and before the expiration of the eighth year from that date . . . . .	50 0 0
(f) after the expiration of the eighth year and before the expiration of the ninth year from that date . . . . .	100 0 0
(g) after the expiration of the ninth year and before the expiration of the tenth year from that date . . . . .	100 0 0
(h) after the expiration of the tenth year and before the expiration of the eleventh year from that date . . . . .	100 0 0
(i) after the expiration of the eleventh year and before the expiration of the twelfth year from that date . . . . .	100 0 0
(j) after the expiration of the twelfth year and before the expiration of the thirteenth year from that date . . . . .	100 0 0
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.	
(5) in respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 8)—	
(i) if the enlargement does not exceed one month . . . . .	10 0 0
(ii) if the enlargement exceeds one month, but does not exceed two months . . . . .	25 0 0
(iii) if the enlargement exceeds two months . . . . .	50 0 0
(6) in respect of an application for an extension of an exclusive privilege for a further term (section 15) . . . . .	50 0 0
(7) in respect of an order extending the term of an exclusive privilege (section 15) . . . . .	100 0 0

## THE FOURTH SCHEDULE—continued.

	Rs. a. p.
(8) in respect of the continuance of an exclusive privilege of which the term has been extended (section 15) . . . . .	100 0 0
to be paid before the expiration of each year of the extended term:	
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.	
(9) in respect of an application for leave to file a memorandum or amended specification (section 18) . . . . .	20 0 0
(10) in respect of a petition to the Governor General in Council for a compulsory license (section 43) . . . . .	50 0 0
(11) for the inspection of any book or other document which is open to inspection under Part I . . . . .	1 0 0
(12) for copies—	
(a) when the number of words copied does not exceed four hundred . . . . .	1 0 0
(b) for every hundred words in excess of four hundred . . . . .	0 4 0
(c) of drawings or photographs . . . . .	cost according to agreement.
(13) for certifying copies—	
for every hundred words . . . . .	0 2 0

## THE FIFTH SCHEDULE.

## APPLICATION FOR ORDER FOR REGISTRATION OF DESIGN.

*(See sections 51 and 63.)*

The application of (*here insert name, occupation and address*) for an order for the registration of a design under Part II of the Inventions and Designs Act, 1888.

1. The applicant claims to be the proprietor of the design of which the nature is hereinafter stated.

2. To the best of his information and belief, that design is within the meaning of Part II of the Inventions and Designs Act, 1888, a new and original design not previously published in British India.

3. copies of (*drawings*), (*photographs*), (*tracings*) of the design accompany this application.

4. The following is a statement of the nature of the design (*here describe its nature*).

5. The applicant therefore applies for an order for the registration of the design pursuant to Part II of the Inventions and Designs Act, 1888.

*(Signature.)*

*The Inventions and Designs Bill.*  
(The Sixth Schedule.—Fees (Designs).)

THE SIXTH SCHEDULE.

FEES (Designs).

(See section 62.)

	Rs. a. p.
(1) in respect of an application for an order for the registration of a design (section 51) . . . . .	10 0 0
(2) in respect of a mutation of names in the register of designs (section 56) . . . .	5 0 0
(3) for the inspection of any book or other document which is open to inspection under Part II . . . . .	1 0 0

(4) for copies—

	Rs. a. p.
(a) when the number of words copied does not exceed four hundred . . . .	1 0 0
(b) for every hundred words in excess of four hundred . . . . .	0 4 0
(c) of drawings, photographs or tracings . . . . .	cost according to agreement.

(5) for certifying copies—

for every hundred words . . . . .	0 2 0
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S. HARVEY JAMES,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th February, 1888:—

NO. 2 OF 1888.

*A Bill to prohibit the making or issue by private persons of pieces of metal for use as money and the making of coins in resemblance or similitude of coins of Foreign States.*

WHEREAS it is expedient to prohibit the making or issue by private persons of pieces of metal for use as money and the making of coins in resemblance or similitude of coins of foreign States; It is hereby enacted as follows:—

Title, extent and commencement. **I.** (1) This Act may be called the Metal Tokens Act, 1888.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. In this Act "issue" means to initiate the circulation, for use as

Definition.

money, of any piece of metal manufactured in contravention of this Act or brought into British India by sea or by land in contravention of any notification for the time being in force under section 19 of the Sea Customs Act, 1878.

3. (1) No piece of copper or bronze, or of any other metal or mixed metal, which, whether stamped or unstamped, is intended or likely to be used as money, shall be made or issued except by the authority of the Governor General in Council.

(2) Any person who in contravention of sub-section (1) makes any such piece as is mentioned in that sub-section shall be punished,—

(a) if a previous conviction under this section is not proved against him, with imprisonment which may extend to three years, or with fine, or with both; or,

(b) if a previous conviction under this section is proved against him, with im-

prisonment which may extend to seven years, or with fine, or with both.

(3) Any person who in contravention of sub-section (1) issues any such piece as is mentioned in that sub-section shall be punished,—

(a) if a previous conviction under this section is not proved against him, with imprisonment which may extend to one year, or with fine, or with both; or,

(b) if a previous conviction under this section is proved against him, with imprisonment which may extend to seven years, or with fine, or with both. [Cf. 24 & 25 Vic., c. 99, s. 12.]

(4) Any person convicted of an offence under sub-section (2) or sub-section (3) shall, in addition to any other punishment to which he may be sentenced, forfeit all such pieces as aforesaid which may have been found in his possession or under his control and all materials and implements so found which are capable of being used for the making of such pieces.

(5) Any officer in charge of a police-station who has reason to believe that any place within the limits of his station is being used for the making of such pieces may enter and search the place and seize and carry away any such pieces, and any materials and implements capable of being used for the making thereof, which he may find there.

(6) Where the offence of issuing such pieces in contravention of sub-section (1) is not a cognizable offence within the meaning of that expression as defined in the Code of Criminal Procedure, 1882, it shall not be taken cognizance of by any Presidency Magistrate without the previous sanction of a Commissioner of Police, or by any other Magistrate, except a District Magistrate, without the previous sanction of the District Magistrate.

(7) If in the trial of any offence under sub-section (2) or sub-section (3) the question arises whether any piece of metal or mixed metal was intended or likely to be used as money, the burden of proving that the piece was not intended or likely to be so used shall lie on the accused person.

4. If at any time the Governor General in Council sees fit, by notification under section 19 of the Sea Customs Act, 1878, to prohibit or restrict the bringing by sea or by land

Application of provisions of the last foregoing section to importation of pieces of metal for use as money.

VIII of 1878.

into British India of any such pieces of metal as are mentioned in the last foregoing section, he may by the notification direct that any person contravening the prohibition or restriction shall be liable to the punishment to which he would be liable if he were convicted under this Act of making such pieces in British India, instead of to the penalty mentioned in section 167 of the Sea Customs Act, 1878, and that any of the provisions of the last foregoing section of this Act with respect to the offence of making such pieces or to the trial of such an offence shall apply, so far as they can be made applicable, to the offence of contravening the prohibition or restriction notified under section 19 of the Sea Customs Act, 1878, or to the trial of any such offence.

5. No piece of metal which is not coin as defined in the Indian Penal Code shall be received as money by or on behalf of any local authority or railway-administration.

Prohibition of receipt by local authorities and railways as money of metal which is not coin.

6. If any person without lawful authority in this behalf makes any kind of coin resembling or apparently intended to resemble or pass for any coin, as defined in the Indian Penal Code, which is a legal tender, or is in actual use and circulation as money, in the territories of any foreign Prince or State, he shall be punished with imprisonment which may extend to seven years, or with fine, or with both.

Prohibition of making pieces of metal in resemblance or similitude of foreign coin.

### STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to prohibit the manufacture and issue, and restrict the circulation, of stamped or unstamped pieces of copper such as, during the recent depression in the value of that metal, private traders at Jugadri, Gaya, Ludhiana, Beawar and other places have been making and issuing in large quantities for use as money. The pieces circulate at much above their intrinsic value, and their circulation both deprives the taxpayers of this country of that profit on coinage of copper which belongs to every Government, and perpetuates the currency of an inconvenient form of coin.

The other object of the Bill is to suppress the manufacture in British India of coins resembling or apparently intended to resemble or pass for coins which are legal tender or in actual use and circulation in any foreign country.

*The 17th February, 1888.*

J. WESTLAND.

S. HARVEY JAMES,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th February, 1888:—

## NO. 3 OF 1888.

*A Bill to Regulate Her Majesty's Indian Reserve Forces.*

WHEREAS it is expedient to provide for the government, discipline and regulation of Her Majesty's Indian Reserve Forces; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Reserve Forces Act, 1888; and

(2) It shall come into force on such day as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

2. The Indian Reserve Forces shall consist of the Active Reserve and the Garrison Reserve.

3. (1) A person belonging to the Active Reserve shall be liable to serve beyond the limits of British India as well as within those limits.

(2) A person belonging to the Garrison Reserve shall not be liable without his consent to serve beyond the limits of British India.

4. The Governor General in Council may make rules and orders for the government, discipline and regulation of the Indian Reserve Forces.

5. Subject to the provision of section 3 with respect to persons belonging to the Garrison Reserve, and to such rules and orders as may be made under section 4, a person belonging to the Indian Reserve Forces shall, as an officer or soldier as the case may be, be subject to military law in the same manner

and to the same extent as a person belonging to Her Majesty's Indian Forces.

Punishment of certain offences by persons belonging to Reserve Forces. 6. (1) If a person belonging to the Indian Reserve Forces—

(a) when required by or in pursuance of any rule or order under this Act to attend at any place fails without reasonable excuse to attend in accordance with such requirement, or

(b) fails without reasonable excuse to comply with any such rule or order, or

(c) fraudulently obtains any pay or other sum contrary to any such rule or order,

he shall be liable—

(i) on conviction by a Court-martial, to such punishment other than death, transportation or imprisonment for a term exceeding one year as such Court is by the Indian Articles of War empowered to award, or

(ii) on conviction by a Magistrate of the first class, to imprisonment for a term which may extend, in the case of a first offence under this section, to six months, and, in the case of any subsequent offence thereunder, to one year.

(2) Where a person belonging to the Indian Reserve Forces is required by or in pursuance of any rule or order under this Act to attend at any place, a certificate purporting to be signed by an officer appointed by such a rule or order in this behalf, and stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

(3) Any person charged with an offence under this section may be taken into and kept in either military or civil custody, or partly into and in one description of custody and partly into and in the other, or be transferred from one description of custody to the other.

7. Nothing in this Act or in any rule or order thereunder shall make any person transferred to the Indian Reserve Forces before the commencement of this Act subject, without his consent, to any of the provisions of this Act.

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### STATEMENT OF OBJECTS AND REASONS.

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THE Governor General in Council having, with the sanction of the Secretary of State for India, decided on the formation of a Reserve Force for the Indian Army, the present Bill has been prepared to enable provision to be made for the government, discipline and regulation of that Force.

The Force is to consist of an Active Reserve and a Garrison Reserve, members of the former Reserve being liable to serve anywhere and of the latter in British India only. The Governor General in Council is to make rules and orders for all matters relating to the Force, and, subject to these rules and orders and, in the case of the Garrison Reserve, to the liability of the members thereof to serve in British India only, all persons belonging to the Force are to be liable to military law as if they were persons belonging to Her Majesty's Indian Forces. Provision is also made for the punishment, by Court-martial or by a Magistrate, of reservists who fail, without reasonable excuse, to attend at any place at which they may be ordered to attend, or who fail to comply with any rule or order under the Act, or who fraudulently obtain any pay or other sum contrary to any such rule or order.

*The 17th February, 1888.*

G. CHESNEY.

S. HARVEY JAMES,

*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 25, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Law relating to Imprisonment for debt was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 24th February, 1888:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Imprisonment for Debt was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with copy of the Bill as amended by us annexed thereto.

From Mr. P. R. Desai, Pleader, District Court, Satara, dated 15th July, 1886 [Paper No. 1].  
From Secretary to Chief Commissioner, Coorg, No. 1496—273, dated 16th August, 1886 [Paper No. 2].  
From Secretary for Berar to Resident, Hyderabad, No. 331G., dated 15th September, 1886, and enclosures [Papers No. 3].  
From Chief Secretary to Government, Madras, No. 2405, dated 4th September, 1886, and enclosures [Papers No. 4].  
From Chief Commissioner, Ajmere-Merwara, No. 1104—690-II, dated 22nd September, 1886, and enclosures [Papers No. 5].  
Endorsement by Chief Secretary to Government, Madras, No. 2528, dated 22nd September, 1886, and enclosures [Papers No. 6].  
From Secretary to Chief Commissioner, Assam, No. 1727, dated 21st August, 1886, and enclosures [Paper No. 7].  
From Acting Under Secretary to Government, Bombay, No. 5776, dated 8th October, 1886, and enclosures [Papers No. 8].  
From Secretary to Chief Commissioner, Burma, No. 377—20L., dated 15th October, 1886, and enclosures [Papers No. 9].  
From Under Secretary to Chief Commissioner, Central Provinces, No. 4991—296, dated 2nd November, 1886, and enclosures [Papers No. 10].  
From Secretary to Chief Commissioner, Coorg, No. 1970—2736, dated 2nd November, 1886, and enclosures [Paper No. 11].  
From Under Secretary to Government, Bombay, No. 8064, dated 16th November, 1886 [Paper No. 12].  
From Chief Secretary to Government, Madras, No. 3008, dated 11th November, 1886, and enclosures [Papers No. 13].  
From Officiating Junior Secretary to Chief Commissioner, Central Provinces, No. 982S., dated 23rd November, 1886, and enclosures [Papers No. 14].  
From Chief Secretary to Government, Bengal, No. 3321J., dated 19th November, 1886, and enclosures [Papers No. 15].  
From Officiating Chief Secretary to Government, Bengal, No. 3753J., dated 13th December, 1886, and enclosures [Papers No. 16].  
From Officiating Chief Secretary to Government, Bengal, No. 3857J., dated 17th December, 1886, and enclosure [Papers No. 17].  
From Secretary, Mymensingh Landholders Association [Paper No. 18].  
Translation of Memorial from Jawla Pershad, Moneylender and Zamindar and inhabitant of Bandki and Hazratpur, Pargana Bandki, Zila Fatehpur, dated 25th October, 1886 [Paper No. 19].  
From Secretary to Government, Punjab, No. 42, dated 13th January, 1887, and enclosures [Papers No. 20].  
From Secretary, Bengal Chamber of Commerce, No. 91, dated the 31st January, 1888 [Paper No. 21].

at the pleasure of a decreeholder, and that the law with respect to the arrest and imprisonment of women in execution of decrees should be what in section 8 of the Married Women's Property Act, 1874, it is assumed to be.

3. Section 4 would give effect to the suggestion that, when a judgment-debtor who has been arrested is brought before the Court before being committed to prison, the Court should have the power to order his release if he is unable to pay the amount of the decree and the Court sees no reason to suppose that he has obstructed or will obstruct the decree-holder in the execution of the decree. The section is based on section 30 of the Presidency Small Cause Courts Act, 1882, and section 4 of the Debtors Bill, 1886.

4. Section 8 is an amplification of section 15 of the Civil Procedure Code Amendment Bill, 1886. It has been urged that, where a person in ill-health has been arrested, it should be in the discretion of the Court to refuse to commit him to prison, and that there should be no room for doubt that, where a person has been released from arrest or imprisonment on the ground of illness, he is liable to be re-arrested.

5. It is proposed to leave untouched the law respecting arrest before judgment. The use of that process is discretionary with the Courts, which can only use it where they are satisfied that there is an intention on the part of a defendant to evade their jurisdiction.

6. In two local Rent Acts reproducing the provisions of section 278 of the Code of 1859 with respect to the period of imprisonment in execution of decrees, section 10 of the revised Bill substitutes for those provisions the provisions of section 342 of the Code of 1882.

7. The publication ordered by the Council has been made as follows :—

<i>In English.</i>		<i>Date.</i>
<i>Gazette.</i>		
Gazette of India . . . . .		12th, 19th and 26th June, 1886.
Fort Saint George Gazette . . . . .		16th July, 1886.
Bombay Government Gazette . . . . .		17th and 24th June, and 1st July, 1886.
Calcutta Gazette . . . . .		23rd and 30th June, and 7th July, 1886.
North-Western Provinces and Oudh Government Gazette . . . . .		16th and 23rd June, 1886.
Punjab Government Gazette . . . . .		17th and 24th June, and 1st July, 1886.
Central Provinces Gazette . . . . .		26th June, and 3rd and 10th July, 1886.
Burma Gazette . . . . .		3rd, 10th and 17th July, 1886.
Coorg District Gazette . . . . .		1st August, 1886.

<i>In the Vernaculars.</i>		
<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras . . . . .	Tamil . . . . .	17th September, 1886.
	Telugu . . . . .	1st October, 1886.
	Hindustani . . . . .	2nd November, 1886.
	Kanarese . . . . .	15th October, 1886.
	Malayalam . . . . .	8th October, 1886.
Bombay . . . . .	Marathi . . . . .	9th September, 1886.
	Gujarathi . . . . .	9th September, 1886.
	Kanarese . . . . .	16th September, 1886.
Bengal . . . . .	Bengali . . . . .	31st August, and 7th September, 1886.
	Hindi . . . . .	31st August, and 7th and 14th September, 1886.
North-Western Provinces and Oudh	Uriya . . . . .	9th September, 1886.
	Urdu . . . . .	6th, 13th and 20th November, 1886.
Punjab . . . . .	Urdu . . . . .	11th, 18th and 25th November, 1886.
Central Provinces . . . . .	Marathi . . . . .	29th September, and 5th and 12th October, 1886.

8. We consider that the Bill as amended by us should be re-published before it is further considered in Council.

ANDREW R. SCOBLE.

C. U. AITCHISON.

RANA SHANKAR BAKSH SINGH.

SYUD AMEER HOSSEIN.

PEARI MOHAN MUKERJI.\*

J. W. QUINTON.

ROBERT STEEL.

DINSHAW MANOCKJEE PETIT.

F. M. HALLIDAY.

*The 24th February, 1888.*

\* I think the Bill is one-sided in one particular. It leaves untouched the procedure for the recovery of revenue and rent in certain provinces and administrations but materially modifies it in others.

PEARI MOHAN MUKERJI.

## No. II.

*A Bill to amend the law relating to Imprisonment for Debt.*

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

Title, commencement and extent.

1. (1) This Act may be called the Debtors Act, 1888; and

(2) It shall come into force at once.

(3) The several portions thereof have the same local extent as the enactments to which they respectively relate.

1882. 2. After section 245 of the Code of Civil Procedure the following sections shall be inserted, namely:—

“245A. Notwithstanding anything in the last foregoing section or in any other section of this Code, the Court shall not order the arrest or imprisonment of a woman in execution of a decree for money.

“245B. (1) Notwithstanding anything in section 245 or in any other section of this Code, when an application is for the execution of a decree for money by the arrest and imprisonment of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to jail in execution of the decree.

“(2) If appearance is not made in obedience to the notice, the Court shall, if the decreeholder so requires, issue a warrant for the arrest of the judgment-debtor.”

3. In section 250 of the said Code, between the word “shall” and the word “issue”, the following shall be inserted, namely:—

“subject to the provisions of sections 245A and 245B,”.

4. After section 337 of the said Code the following shall be inserted, namely:—

“337A. (1) When a judgment-debtor appears before the Court in obedience to a notice issued under section 245B, or is brought before the Court after being arrested in execution of a decree for money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such

terms, if any, as it thinks fit, make an order disallowing the application for his arrest and imprisonment, or directing his release, as the case may be.

“(2) Before making an order under sub-section (1), the Court may take into consideration [Debtors Bill, 1886, s. 4.] any allegation of the decreeholder touching any of the following matters, namely:—

(a) the decree being for a sum for which the judgment-debtor was bound as a trustee or as acting in any other fiduciary capacity to account;

(b) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was made, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decreeholder in the execution of the decree;

(c) any undue or unreasonable preference given by the judgment-debtor to any of his other creditors;

(d) his refusal or neglect to pay the amount of the decree or some part thereof when he has or since the date of the decree has had the means of paying it;

(e) the likelihood of his absconding or leaving the jurisdiction of the Court with the object or effect mentioned in clause (b) of this sub-section.

“(3) While any of the matters mentioned in sub-section (2) are being considered, the Court may in its discretion order the judgment-debtor to be imprisoned, or leave him in the custody of an officer of the Court, or release him on his furnishing sufficient security for his appearance on the requisition of the Court.

“(4) A judgment-debtor released under this section may be re-arrested. [Cf. Act XIV, 1882, s. 341.]

“(5) If the Court does not make such an order as is mentioned in sub-section (1), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to jail.”

5. To section 380 of the said Code the following shall be added, namely:—

“On the application of any defendant in a suit for money in which the plaintiff is a woman the Court may at any stage of the suit make a like order if it is satisfied that such plaintiff does not possess any sufficient immoveable property within British India independent of the property in suit.”

6. In section 640 of the said Code, after the words “from arrest in execution of civil process” the words “in any case in which the arrest of women is not prohibited by this Code” shall be added.

7. In section 642 of the said Code, for the words and figures “except as provided in sections 256 and 643” the following shall be substituted, namely:—

“except as provided in section 337A, sub-section (5), and sections 256 and 643.”

Addition of new section after section 652 of the Code.

8. After section 652 of the said Code the following shall be added, namely:—

“653. (1) At any time after a warrant of arrest has been issued under this Code, the Court may cancel it on the ground of the serious illness of the person against whom the warrant was issued.

“(2) When a judgment-debtor has been arrested under this Code the Court may release him if in its opinion he is not in a fit state of health to undergo imprisonment.

[Civil Procedure Code Amendment Bill, 1886, s. 15.]

“(3) When a judgment-debtor has been committed to jail, he may be released therefrom—

(a) by the Local Government, on the ground of his suffering from any infectious or contagious disease, or

(b) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

[Cf. Act XIV, 1882, s. 34<sup>1</sup>.]

“(4) A judgment-debtor released under this section may be re-arrested, but the period of his imprisonment shall not in the aggregate exceed that prescribed in section 342 or section 481, as the case may be.”

9. The last sixteen words of section 8 of the Married Women's Property Act, 1874, and the whole of section 31 of the Ajmere Courts Regulation, 1877, are hereby repealed.

Repeal of other enactments.

10. (1) For the first fifty-five words of section 48 of the Act of the Government of Madras Act VIII of 1865 and India Act XII of 1881, or of Fort St. George in Council, No. VIII of 1865, the following shall be substituted, namely:—

“No person shall be imprisoned as a defaulter for a longer period than six months whatever the amount of the arrears may be, nor for a longer period than six weeks if the arrears do not exceed fifty rupees.”

(2) For the proviso to section 163 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

“Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed six weeks when the amount decreed (exclusive of costs) does not exceed fifty rupees, or six months in any other case.”

S. HARVEY JAMES,

Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 17, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th March, 1888:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

the Code of Civil Procedure and the Indian Limitation Act, 1877, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report with copy of the Bill as amended by us annexed thereto.

From Mr. P. R. Desai, Pleader, District Court, Satára, dated 16th September, 1886 [Paper No. 1].  
 From Mr. Nanabhai Chanjibhai, Pleader, Karáchi, dated 20th September, 1886 [Paper No. 2].  
 From Secretary to Chief Commissioner, Coorg, No. 1943—3976, dated 29th October, 1886, and enclosures [Papers No. 3].  
 From Honorary Secretary, British Indian Association, No. 1035, dated 15th November, 1886 [Paper No. 4].  
 From Superintendent, Kapurthala State, No. 527, dated 19th November, 1886, and enclosures [Papers No. 5].  
 From Acting Chief Secretary to Government, Madras, No. 2990, dated 6th November, 1886, and enclosures [Papers No. 6].  
 From Chief Commissioner, Ajmere-Merwára, No. 1305—690-II, dated 19th November, 1886, and enclosure [Papers No. 7].  
 From Secretary for Berar to Resident, Hyderabad, No. 438G., dated 24th November, 1886, and enclosures [Papers No. 8].  
 From Acting Chief Secretary to Government, Madras, No. 3138, dated 24th November, 1886, and enclosures [Papers No. 9].  
 From Bábu Haridas Ghosh, Pleader, Hoshungabad, dated 10th December, 1886 [Paper No. 10].  
 Memorial of certain Cloth Merchants of Allahabad, dated 14th December, 1886 [Paper No. 11].  
 From Secretary to Chief Commissioner, Burma, No. 706—27L., dated 24th December, 1886, and enclosures [Papers No. 12].  
 From Officiating Secretary to Chief Commissioner, Central Provinces, No. 32—355, dated 4th January, 1887, and enclosures [Papers No. 13].  
 From Acting Under Secretary to Government, Bombay, No. 7627, dated 31st December, 1886, and enclosures [Papers No. 14].  
 From Secretary to Government, Punjab, No. 21, dated 10th January, 1887, and enclosures [Papers No. 15].  
 From Secretary to Chief Commissioner, Assam, No. 84, dated 18th January, 1887 [Paper No. 16].  
 From Officiating Chief Secretary to Government, Bengal, No. 408J., dated 24th January, 1887, and enclosures [Papers No. 17].  
 Memorandum by the Hon'ble Rana Sir Shankar Baksh Singh, Bahadur [Paper No. 18].  
 From Secretary to Government, Punjab, No. 252, dated 11th March, 1887, and enclosures [Papers No. 19].  
 From Secretary to Government, North-Western Provinces and Oudh, No. 265—VII, 250, dated 31st March, 1887, and enclosures [Papers No. 20].  
 From Chief Secretary to Government, Bengal, No. 1488J., dated 28th March, 1887, and enclosure [Papers No. 21].  
 Memorandum by Mr. P. R. Desai, Pleader, District Court, Tanna, dated 17th May, 1887 [Paper No. 22].  
 Circular to all Local Governments and Administrations, No. 1585—96, dated 16th September, 1887.  
 From Secretary for Berar to Resident, Hyderabad, No. 488G., dated 29th November, 1887, and enclosures.  
 From Chief Secretary to Government, Madras, No. 2695, dated 25th November, 1887, and enclosures.  
 From Officiating Chief Secretary to Chief Commissioner, Burma, No. 267, dated 9th December, 1887, and enclosures.

2. We have omitted most of the sections of the Bill as introduced which had reference to insolvency, representation of minors and imprisonment for debt. The first and second of those matters will be more conveniently considered by the Select Committees on the Bankruptcy and Guardians and Wards Bills re-

From Chief Commissioner, Ajmere-Merwara, No. 1456, dated 7th December, 1887, and enclosure.

From Secretary to Chief Commissioner, Assam, No. 2970, dated 19th December, 1887, and enclosures.

From Acting Under Secretary to Government, Bombay, No. 7417, dated 24th December, 1887, and enclosures.

From Secretary for Berar to Resident, Hyderabad, No. 525G., dated 27th December, 1887.

From Officiating Secretary to Government, Punjab, No. 24, dated 10th January, 1888, and enclosures.

From Registrar, High Court, Calcutta, No. 305, dated 8th February, 1888.

From Chief Secretary to Government, Bengal, No. 459J., dated 7th February, 1888, and enclosures.

From Registrar, High Court, Calcutta, No. 352, dated 13th February, 1888, and enclosure.

Notes by Judicial Commissioner, Oudh, dated 11th February, 1888 [Paper No. 23].

From J. Deas, Esq., District Judge, Jaunpur, No. 6, dated 6th January, 1888.

From Chief Commissioner, Central Provinces, No. 891—31, dated 15th February, 1888, and enclosures.

Notes by P. V. Krishnaswami Ayar, First Grade Pleader, Madura.

Notes by Yellepedy Janaki Ramayya, District Judge, Coconada.

spectively, and the third has recently been considered by the Select Committee on the Bill to amend the law relating to Imprisonment for Debt.

3. The following portions of the Bill, as amended by us, appear to call for remark:—

(1) *Section 3.*—The object of the section which it is proposed to insert after section 4 of the Code is to preserve the summary character of rent-litigation which, as the Government of the North-Western Provinces and Oudh has pointed out, the rulings cited in the margin of the proposed section may otherwise have the effect of destroying.

(2) *Section 5.*—The proposed addition to section 14 has reference to the conflicting rulings of the High Courts with respect to suits in British India on judgments of Foreign Courts, and is designed to remove one of the objections to such suits being maintainable.

(3) *Section 6.*—The need of such a section as it is proposed to insert after section 16 of the Code is said to be much felt where large areas are subject to fluvial action. The section was originally inserted in the Punjab Land-revenue Bill of 1886, but the Select Committee on that Bill was of opinion that the section is one which should be of general rather than local operation.

(4) *Section 9.*—The section which it is proposed to substitute for section 53 is, with slight modification, in a form which has been suggested by the Hon'ble Mr. Justice Straight.

(5) *Sections 10, 11, 15 and 16.*—These sections are added to the Bill for the purpose of accommodating the language of the Code more closely to the system of process-serving obtaining in some parts of British India.

(6) *Section 12.*—This section will admit of summonses being sent for service to Superintendents of foreign States, and to Courts established or continued by the authority of the Governor General in Council in foreign territory, as well as to British Residents and Agents.

(7) *Section 13.*—The criticisms on the form and substance of sections 141 and 142 of the Code are so numerous and appear to us to be so well founded that we have deemed it necessary to re-draft those sections instead of only amending the former of them.

(8) *Section 17.*—The enactment of this section is advocated by high authority in Bengal and other parts of India. The section follows sections 357 *et seqq.* of the Code of Criminal Procedure, 1882, section 20 of the Burma Courts Act, 1875, sections 11 and 12 of the Central Provinces Laws Act, 1875, and section 19 of the Oudh Laws Act, 1876.

(9) *Sections 18 and 19.*—The amendment of section 191 in such a manner as to make it clear that the section does not require the re-hearing of a suit by a successor of a Judge who, having part heard the suit, has been prevented by death, transfer or other cause from concluding the trial thereof is considered by the Government of the North-Western Provinces and Oudh to be necessary in view of the administrative inconvenience, and the trouble and expense to suitors, which must result from the cases reported at I. L. R. 7 All. 357 and 8 All. 35. It is proposed also to apply the principle of section 191 of the Code to suits transferred from one Court to another, and to supplement the section by an addition to section 193.

(10) *Section 20.*—Such an amendment of section 209 as is here proposed has the support of Sir Meredyth Plowden and other Judges of the Chief Court of the Punjab.

(11) *Section 21.*—We have so amended section 216 of the Code as to make it applicable not only to such equitable cases of set-off as form the subject of the report at I. L. R. 7 All. 284 and the reports there cited, but also to any equitable right to set off a sum which is not a debt.

(12) *Section 22.*—As section 223 is now drawn, it is open to doubt in what cases decrees may be sent for execution to the Courts of Small Causes at Calcutta, Madras, Bombay and Rangoon. The ordinary jurisdiction of a Provincial Court of Small Causes extends under sub-section (2) of section 15 of Act IX of 1887 to suits of value not exceeding five hundred rupees, and its extraordinary jurisdiction under sub-section (3) of the same section to suits of value not exceeding one thousand rupees. The jurisdiction of a Presidency Court of Small Causes extends to suits of value not exceeding two thousand rupees; and it is proposed by section 47 of the Lower Burma Courts Bill, now pending before the Council of the Governor General, to take power to extend the whole or any part of the Presidency Small Cause Courts Act to the Court of Small Causes at Rangoon.

(13) *Section 23.*—The words "or continued" have been inserted in section 229 and other sections after the word "established" because there are Courts in Kattiawar which were established by the Governor of Bombay in Council.

(14) *Section 24.*—Under this section it will be competent to Courts in British India to send their decrees for execution to those Courts out of British India which are authorised by section 229 of the Code to cause their decrees to be executed by British Indian Courts.

(15) *Section 25.*—The last paragraph of section 230 is spent and may now be removed from the Code.

(16) *Section 26.*—It is proposed to amend section 244 of the Code in order to remove doubts which have arisen as to how representatives are to be ascertained, and whether orders staying execution are orders under the section.

(17) *Section 27.*—The conflicting rulings of the Courts with respect to the construction to be placed on the last paragraph of section 258 render it necessary to amend that paragraph.

In section 66, sub-section (1), of the Bill we have proposed to extend from twenty to ninety days the period of limitation for an application by a judgment-debtor for the issue of a notice to a decreeholder to show cause why a payment or adjustment out of Court should not be recorded as certified.

(18) *Section 28.*—We have added a clause exempting from liability to sale in execution of a decree of a Civil Court any moveable property which any local law exempts from liability to sale in satisfaction of an arrear of land-revenue.

(19) *Section 29.*—This section is intended to remove a doubt as to attachment being a necessary preliminary to the sale of property in execution of a decree which orders the sale in pursuance of a contract specifically affecting the property.

(20) *Section 30.*—The addition which we have proposed to make to section 320 follows the interpretation which has been placed on that section by the Allahabad High Court (I. L. R. 5 All. 314) and by the executive authorities of the North-Western Provinces, the Central Provinces and Lower Burma.

(21) *Section 31.*—Sub-section (1) will remove the doubt as to the construction to be placed on the words "under arrest" in section 349.

Sub-sections (2) and (3) correct obvious errors in the Code.

Sub-section (4) has been inserted at the instance of the High Court at Fort William. The inconvenience of there being two different systems of insolvency law in force in the same place was pointed out by several Judges of that Court in their remarks on the Indian Bankruptcy Bill of 1886. In not excluding from the operation of Chapter XX of the Code the towns mentioned in section 66 of the Burma Courts Act, 1875, we have had regard to the opinion expressed by the Recorder of Rangoon in his letter No. 66—19, dated the 7th April, 1885, and by the Officiating Recorder in his letter No. 107—43, dated the 20th June, 1885, at the time when the Bill which became Act XIV of 1885 was under consideration, and to the fact that jurisdiction in insolvency is exercised under the Code in Rangoon by the First Judge of the Court of Small Causes established there.

(22) *Sections 32, 53 and 66.*—We have extended to six months the period of limitation for applications under sections 365, 366 and 368 of the Code and provided for such applications being admitted after that period in exceptional cases.

(23) We have omitted section 20 of the Bill as introduced. The addition which it was proposed by that section to make to section 396 of the Code would effect a change in the substantive law of the country which should not in our opinion be brought about in such a Bill as that on which we are reporting.

(24) *Sections 37, 38, 40 and 41.*—The object of these sections is to remove the difficulties which have recently attended litigation on behalf of the minor Rājā of Kapurthala, one of the ruling chiefs of the Punjab and a landholder in that Province and in Oudh.

(25) *Section 43.*—On the recommendation of the Government of the North-Western Provinces and Oudh, it is proposed that the Collector shall not be appointed a Receiver without his consent.

(26) *Section 47.*—Section 551 and connected sections have been re-cast in the manner suggested by Mr. R. J. Crosthwaite, the Judicial Commissioner of the Central Provinces. In regard to the amendment of the sections so as to provide for the dismissal of appeals for default under section 551, Mr. Crosthwaite writes as follows:—

"This amendment is necessary, because, as section 551 stands now, an appellant can, if his appeal is fixed for hearing under that section, refrain from appearing and then appeal from the decree of the first Appellate Court dismissing his appeal. The Court of second appeal will then have to consider the appeal and decide it, because the provisions of section 556 do not apply in the case of an appeal dealt with under section 551. When a first appeal is dismissed under section 556 for default, there is practically no second appeal, because the second Appellate Court must hold that, as the appellant did not appear in the Court of first appeal, that Court's decree dismissing the appeal was under section 556 correct; but when an appeal is fixed for hearing under section 551, and, the appellant not appearing, his appeal is dismissed, section 556 does not apply; and an appellant can thus ignore the Court of first appeal and take his appeal to the High Court. Section 556 does not I think apply, because there can be no doubt that the words 'on the day so fixed' mean 'the day fixed under section 552 for hearing the appeal'. This state of the law is anomalous and, considering that a Court of second appeal is supposed to go by the findings of fact of the Court of first appeal, inconvenient. If an appellant does not appear on the day fixed for hearing, whether it be fixed under section 551 or section 552, his appeal should be dismissed; but he should have a right to apply for re-admission under section 558."

(27) *Section 48.*—We have endeavoured by this section to remove difficulties which the Courts have experienced in the admission of objections taken by way of cross-appeal.

(28) *Sections 49, 50, 51 and 52.*—The sections of the Code which these sections affect have in practice been found to limit unduly the discretion of Appellate Courts.

(29) *Section 55, sub-section (2).*—This sub-section has been suggested by the Judicial Commissioner of the Central Provinces with reference to the case reported at I. L. R. 11 Bom. 603.

(30) *Section 56.*—We propose that appeals from such orders as are appealable should lie in all cases to the ordinary appellate authority.

(31) *Section 60.*—This section is intended to give effect to the suggestion contained in the following extract from a letter received by the Government of India from the High Court at Fort William:—

"In this province it is often difficult to tell whether a suit should be instituted in the Small Cause Court or a Court possessing ordinary civil jurisdiction. Numerous cases have been brought to the cognizance of this Court in which great inconvenience, hardship and injustice have been caused in this way. A suit is brought in the first instance in the Small Cause Court, and that Court declares that it has no jurisdiction and dismisses the suit. The plaintiff then institutes the same suit in the Munsif's Court, which, upon trial, gives him a decree. The defendant thereupon appeals to the higher Courts, and it is held that the Munsif had no jurisdiction, and accordingly the suit is dismissed. The result is that the unfortunate suitor gets no relief anywhere. And this same result also follows when the Court of first instance holds that it has no jurisdiction, and also when the suit is in the first instance instituted in the Civil Court and the suitor subsequently goes to the Small Cause Court. The Judges think questions of jurisdiction and errors as to jurisdiction should be susceptible of being dealt with and cured by the High Court by transfer, affirmation of decree or otherwise; and they think that the order of the High Court as to jurisdiction should be final."

(32) *Section 61.*—We have so modified the proposed addition to section 648 as to admit of orders being sent to the Courts of Small Causes at Calcutta, Madras, Bombay and Rangoon for the attachment of moveable property only.

(33) *Section 64.*—This section corrects a defect in the form under section 263 which has been noticed by Mr. Justice Brandt.

(34) *Section 65.*—By this section it is proposed to set at rest the question whether the registration of certificates of sale of property of value exceeding one hundred rupees is or is not compulsory. Whatever the law may have been before the passing of Act XII of 1879, the legislature could hardly have contemplated the registration of such certificates by auction-purchasers after the passing of that Act.

4. The publication ordered by the Council has been made as follows:—

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India . . . . .		4th, 11th and 18th September, 1886.
Fort Saint George Gazette . . . . .		24th September, 1886.
Bombay Government Gazette . . . . .		9th September, 1886.
Calcutta Gazette . . . . .		15th, 22nd and 29th September, 1886.
North-Western Provinces and Oudh Government Gazette . . . . .		11th, 18th and 25th September, 1886.
Punjab Government Gazette . . . . .		9th, 16th and 23rd September, 1886.
Central Provinces Gazette . . . . .		18th and 25th September, 1886.
Burma Gazette . . . . .		25th September, and 2nd and 9th October, 1886.
Assam Gazette . . . . .		25th September, and 2nd and 9th October, 1886.
Coorg District Gazette . . . . .		1st October, 1886.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras . . . . .	Tamil . . . . .	21st December, 1886.
	Telugu . . . . .	25th January, 1887.
	Hindustani . . . . .	25th January, 1887.
	Kanarese . . . . .	11th January, 1887.
Bombay . . . . .	Malayalam . . . . .	8th January, 1887.
	Marathi . . . . .	20th January, 1887.
	Gujarathi . . . . .	27th January, 1887.
	Kanarese . . . . .	20th January, 1887.
Bengal . . . . .	Bengali . . . . .	8th March, 1887.
	Hindi . . . . .	25th January, 1887.
	Uriya . . . . .	16th, 23rd and 30th December, 1886.
North-Western Provinces and Oudh . . . . .	Urdu . . . . .	11th, 18th and 25th December, 1886.
Punjab . . . . .	Urdu . . . . .	9th, 16th and 23rd December, 1886.
Central Provinces . . . . .	Hindi . . . . .	22nd and 29th December, 1887.
Burma . . . . .	Burmese . . . . .	25th December, 1886, and 1st and 8th January, 1887.
Coorg . . . . .	Kanarese . . . . .	1st February, 1887.

5. We do not think that the Bill has been so altered as to require re-publication, and we recommend that it be passed as amended by us.

ANDREW R. SCOBLE.  
C. U. AITCHISON.  
RANA SHANKAR BAKSH SINGH.  
PEARI MOHAN MUKERJI.  
G. H. P. EVANS.  
J. W. QUINTON.

*The 10th March, 1888.*

## No. II.

*A Bill to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877.*

WHEREAS it is expedient to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877; It is hereby enacted as follows:—

1. (1) This Act may be called the Civil Procedure Code Amendment Act, 1888; and

(2) It shall come into force on the first day of July, 1888.

2. (1) In this Act, unless there is something repugnant in the subject or context, "section" means a section, "schedule" a schedule, and "Chapter" a Chapter, of the Code of Civil Procedure.

(2) Any reference in any enactment heretofore passed or hereafter to be passed to any Act amended by this Act shall, so far as may be, be read as if made to that Act as so amended.

3. The following shall be inserted after section 4, namely:—

"4 A. (1) Where any Revenue Courts are governed by the provisions of the Code of Civil Procedure in those matters of procedure upon which any special enactment applicable to them is silent, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare that any portions of those provisions shall not apply to those Courts, or shall only apply to them with such modifications as the Local Government, with the sanction aforesaid, may prescribe.

"(2) 'Revenue Court' in sub-section (1) means a Court having jurisdiction under any local law to entertain suits relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits as being suits of a civil nature of which its cognizance is not barred by any enactment for the time being in force."

4. The second paragraph of section 8 is hereby repealed.

5. To section 14 the following shall be added, namely:—

"Where a suit is instituted in British India or on the judgment of any foreign Court in Asia

or Africa except a Court\* of Record established by Letters Patent of Her Majesty or any predecessor of Her Majesty or a Supreme† Consular Court established by an Order of Her Majesty in Council, the Court in which the suit is instituted shall not be precluded from inquiry into the merits of the case in which the judgment was passed."

6. The following shall be inserted after section 16, namely:—

"16A. (1) When it is alleged to be uncertain within the local limits of the jurisdiction of which two or more Courts any immovable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction:

"Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

"(2) Where a statement has not been recorded under sub-section (1), and an objection is taken before an appellate or revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection if in its opinion there was, at the time of the institution of the suit, any reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto."

7. In section 17, after Explanation II, the following shall be inserted, namely:—

"EXPLANATION III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely:—

- (i) the place where the contract was made;
- (ii) the place where the contract was to be performed or performance thereof completed;
- (iii) the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable."

8. In section 27 there shall be inserted after the words "the Court may" the words "at any stage of the suit", and after the words "any other person or persons" the words "with his or their consent".

\*e.g., Supreme Court of the Straits Settlements.  
†e.g., Her Majesty's Supreme Court for China and Japan at Shanghai.

of 1882.  
of 1877.  
of 1877.

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[L. R. 9  
Cal. 695, 6  
Mad. 239, 5  
Bom. 609, and  
7 All. 79.]

Substitution of new  
section for section 53.

When plaint may be  
rejected, returned for  
amendment or amended.

9. For section 53 the following shall be substituted, namely :—

“53. The plaint may, at the discretion of the Court,—

- (a) at, or at any time before, the settlement of issues be rejected if it does not disclose a cause of action ;
- (b) at, or at any time before, the settlement of issues be returned for amendment within a time to be fixed by the Court, and upon such terms as to the payment of costs occasioned by such amendment as the Court thinks fit, if it—
  - (i) is not signed and verified as hereinbefore required,
  - (ii) does not state correctly and without prolixity the several particulars hereinbefore required, or contains particulars other than those so required,
  - (iii) is wrongly framed by reason of nonjoinder or misjoinder of parties, or joins causes of action which ought not to be joined in the same suit, or
  - (iv) is not framed in accordance with the provisions of section 42 ;
- (c) at any time before judgment be amended by the Court upon such terms as to the payment of costs as the Court thinks fit :

[L. R. 14 In.  
App. 111.]

“Provided that a plaint shall not be amended either by the party to whom it is returned for amendment, or by the Court, so as to convert a suit of one character into a suit of another and inconsistent character.

“When a plaint is amended under this section the amendment shall be attested by the signature of the Judge.”

Substitution of new  
section for section 72.

10. For section 72 the following shall be substituted, namely :—

“72. (1) If the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall ordinarily be delivered or sent to the proper officer to be served by him or one of his subordinates.

“(2) The proper officer may be an officer of another Court than that in which the suit is instituted, and, where he is such an officer, the summons may, subject to any rules which the High Court may make in this behalf, be sent to him by post or in such other manner as the Court may direct.”

11. In section 82, for the first twenty words the following shall be substituted, namely :—

“When a summons is returned under section 80, the Court shall if the return under that section has not been verified by the affidavit of the serving-officer, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court, touching his proceedings.”

Substitution of new  
section for section 90.

12. For section 90 the following shall be substituted, namely :—

“90. If there is a British Resident or Agent, or a Superintendent appointed by the British Government, or a Court established or continued by the authority of the Governor General in Council, in or for the territory in which the defendant resides, the summons may be sent to such Resident, Agent, Superintendent or Court, by post or otherwise, for the purpose of being served upon the defendant; and, if the Resident, Agent or Superintendent or the Judge of the Court returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be evidence of the service.”

Substitution of new  
sections for sections 141  
and 142.

13. For sections 141 and 142 the following shall be substituted, namely :—

“141. (1) Subject to the provisions of the next following sub-section, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely :—

- (a) the number and title of the suit,
- (b) the name of the person producing the document,
- (c) the date on which it was produced, and
- (d) a statement of its having been so admitted,

and the endorsement shall be signed by the Judge.

“(2) If a document so admitted is an entry in a book, account or record and a copy thereof has been substituted for the original under the next following section, the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed by the Judge.

“141A. (1) If a document admitted in evidence in the suit is an entry in a shop-book or other account in current use, the party on whose behalf the account is produced may furnish a copy of the entry.

“(2) If such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a

party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

- (i) where the record, book or account is produced on behalf of a party, then by that party, or
- (ii) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

“(3) When a copy of an entry is furnished under the foregoing provisions of this section, the Court shall, after causing the copy to be examined, compared and attested in manner mentioned in section 62, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

“142. When a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (a), (b) and (c) of section 141, sub-section (1), and a statement of its having been rejected, and the endorsement shall be signed by the Judge.

“142A. (1) Every document which has been admitted in evidence, or a copy thereof where a copy has been substituted for the original under section 141A, shall form part of the record of the suit.

“(2) Documents not admitted in evidence shall not form part of the record and shall be returned to the parties respectively producing them.”

“14. In section 143, for the words and figures “sections 62, 141 and 142” there shall be substituted the following, namely:—

“section 62, section 141A, sub-section (3), or section 142A, sub-section (2).”

“15. In section 159 the words “or sent” shall be inserted after the word “delivered”.

“16. In section 168, for the words “shall examine the serving-officer on oath” the following shall be substituted, namely:—“shall if the certificate of the serving-officer has not been verified by affidavit, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court.”

“17. The following shall be inserted after section 185, namely:—

“185A. (1) The Local Government may, by notification in the official Gazette, direct, with respect to any Judge specified in the notification, or falling under a description set forth therein, that

evidence in cases in which an appeal is allowed shall, instead of being taken down in the manner prescribed in the foregoing sections, be taken down by him with his own hand in the English language.

“(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

“(3) Evidence taken down under sub-section (1) or sub-section (2) shall be in the form mentioned in section 182, and be read over and signed, and, as occasion may require, interpreted and corrected, as if it were evidence taken down under that section.

“(4) The Local Government may, by notification in the official Gazette, revoke or vary a direction notified under sub-section (1).”

“18. For section 191 the following shall be substituted, namely:—

“191. (1) Where the Judge taking down any evidence, or causing any memorandum to be made, under this Chapter, is prevented by death, transfer or other cause from concluding the trial of the suit, any successor to such Judge may deal with such evidence or memorandum as if he himself had taken it down or caused it to be made, and proceed with the suit from the stage at which his predecessor left it.

“(2) The provisions of sub-section (1) shall apply, so far as they can be made applicable, to a suit transferred under section 25: [13 W.R. Civ. Rul. 398: 6 N.-W.P.H.C. R. 80: and I. L. R. 7 All. 342.]

“Provided that a Court transferring a suit under that section may, if it thinks fit, direct that the Court to which the suit is transferred shall recall all or any of the witnesses who have been examined and take their evidence afresh.”

“19. To section 193 the following shall be added, namely:—

“A Court continuing a suit under section 191 may recall and re-examine a witness who has departed in accordance with section 173.”

“20. (1) In section 209, for the first thirteen words the words “When a decree is for the payment of money” shall be substituted. [L. R. 2 F. A. 219 and 51. A. 78.]

(2) To the same section the following shall be added, namely:—

“Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.”